

DELEGATED OFFICER REPORT

Application Ref: PN/23/94869

Site Address: UNIT 6, CHALCROFT BUSINESS PARK, BURNETTS LANE, WEST END, SOUTHAMPTON, SO30 2PA

Case Officer: Rachael Morris

Description: Prior approval for demolition of 2no. single-storey lean to structures to either side of Unit 6

Particular Site Constraints?	Yes ☒	No ☐
• Within the urban edge • Existing employment site		

Planning History?	Yes ☒	No ☐
• Z/19636/005/00 - Outline: Demolition of Existing Dwellings, Partial Redevelopment for Commercial Uses B1, B2 and B8 – Refuse Outline – Apr 1995 • Z/19636/007/00 - Outline: Residential Development – Refuse Outline – May 1996 • F/04/50047 - Retention of Portakabin Adjacent to Existing Café and Takeaway – Permit – Mar 2004 • LDC/20/87446 - Lawful Development Certificate for a proposed development: external refurbishment to include removal of existing external cladding, re-cladding of external walls and canopy roof, and refurbishment of existing northlights – Certificate Issued – Apr 2020 • LDC/20/87629 - Lawful Development Certificate for a Proposed use: external refurbishment work to include removal of existing external cladding and facing brickwork at ground floor level and re-cladding of external walls, canopy roof and refurbishments of existing northlights – Certificate Issued – Ape 2020		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None		
Parish Council:	No Objection		

Policy:

National Planning Policy Framework Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM11 and DM14.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

Legislation:

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 11, Class B

Assessment:

Assessment Against Schedule 2, Part 11, Class B of the GPDO:

Development is not permitted by Class B if -	Does this proposal comply with the regulations?
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(a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;	The structures have not been rendered deliberately unsafe as confirmed in the covering letter. This is compliant.
(b) the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)	The proposal is not for “relevant demolition” as confirmed in the covering letter. This is compliant.
(c) the building is used, or was last used, for a purpose falling within— (i)article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or (ii)article 3(6)(q) (drinking establishments with expanded food provision) of that Order	The buildings are not used as a drinking establishment as confirmed in the covering letter. This is compliant.
(d) the building is used, or was last used, for the purpose of— (i)a concert hall; (ii)a venue for live music performance; or (iii)a theatre	The buildings are not used as a concert hall, theatre or venue as confirmed in the covering letter. This is compliant.
(e) the demolition relates to a statue, memorial or monument (“a commemorative structure”) in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure— (i)that is a listed building; (ii)that is a scheduled monument; (iii)within a cemetery, on consecrated land, or within the curtilage of a place of public worship; (iv)within the grounds of a museum or art gallery; or (v)within the curtilage of a dwellinghouse	The demolition does not involve a commemorative structure as confirmed in the covering letter. This is compliant.

Conditions:

Development is permitted by Class B subject to the following conditions—	Assessment
(a) where demolition is urgently necessary in the interests of safety or health and the measures immediately necessary in such interests are the demolition of the building the developer must, as soon as reasonably practicable, give the local	N/A

planning authority a written justification of the demolition	
(b) where the demolition does not fall within paragraph (a) and is not excluded demolition—	----
(i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site	Information has been provided for demolition and post demolition.
(ii) an application described in must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid	A copy of the site notice has been supplied.
(iii) *omitted*	----
(iv) subject to paragraph (b)(v), the applicant must display a site notice by site display on or near the land on which the building to be demolished is sited and must leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority	The site notice has been displayed and evidence supplied to show this.
(v) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in paragraph (b)(iv) has elapsed, the applicant is treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement	Evidence has been provided to show the site notice was on display for the period of 21 days as required.
(vi) *omitted*	----
(vii) the development must not begin before the occurrence of one of the following— (aa)the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required; (bb)where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or (cc)the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any	Prior approval is not required however due to the consultation period within the council, the 28-period expired before the applicant was notified of this. Therefore, the applicant benefits from deemed consent and subsequent notification from the council.

determination as to whether such approval is required or notifying the applicant of their determination	
(viii) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out— (aa) where prior approval is required, in accordance with the details approved; (bb) where prior approval is not required, in accordance with the details submitted with the application	This will be conditioned.
(ix) the development must be carried out— (aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given; (bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b)(ii)	This will be conditioned.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications

Conclusion:

Recommendation:

**PRIOR APPROVAL NOT
REQUIRED** ☒

PRIOR APPROVAL REFUSED
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Comments ...