

DELEGATED OFFICER REPORT

Application Ref: X/23/94844

Site Address: LAMBERT BROTHERS HAULAGE LTD, WOODSIDE AVENUE,
EASTLEIGH, SO50 4ZR

Case Officer: Rachael Morris

Description: Variation to condition 27 (hours of operation) of planning permission F/21/91183 for erection of a building for flexible industrial use (Use Classes B2 and B8) and erection of a building for builders' merchant and external storage, including storage, distribution and ancillary trade counter (Sui Generis Use)

Particular Site Constraints?	Yes ☒	No ☐
- National Rail buffer - Existing employment - Within the urban edge		

Planning History?	Yes ☒	No ☐
- Z/05075/009/0D - Renewal of temporary permission for offices – Permit – Jun 1975 - Z/05075/019/00 - Covered building for existing timber preservation plant – Permit – Jul 1976 - Z/05075/009/0E - Renewal of temporary permission for offices – Permit – Dec 1976 - Z/05075/011/0A – Office extension – Permit – Sept 1977 - Z/05075/020/00 - single storey extension to storage building – Permit – Dec 1978 - Z/05075/024/00 - Erection of additional workshop & storage areas comprising side/end extension and lean-to and end extension – Permit – Nov 1988 - Z/05075/025/00 – Erection of workshop extension – Permit – Jun 1989 - Z/05075/026/00 - Single storey extension – Permit – Aug 1989 - Z/05075/027/00 – Building to cover diesel tanks – Permit – Jan 1990 - Z/05075/028/00 - Erection of 2.4-metre-high palisade fence – Permit – Jul 1997 - Z/15015/004/00 – Erection of loading canopy – Permit – May 2002 - F/14/74052 - Extension to Unit G, following demolition of Unit H and part Unit J – Permit – May 2014 - U/15/75754 - Application for a Lawful Development Certificate of: Existing use of the buildings for B8 storage – Certificate Issued – Mar 2015 - F/21/91183 - Erection of a building for flexible industrial use (Use Classes B2 and B8) and erection of a building for builders' merchant and external storage, including storage, distribution and ancillary trade counter (Sui Generis Use) – Permit – Feb 2022 - DC/22/92905 - Discharge of condition 3 (construction environment management plan) of planning permission F/21/91183 for erection of Units 1-4 for flexible industrial use (Use Classes B2 and B8) and Unit 5 for builders' merchant and external storage, including storage, distribution and ancillary trade counter (Sui Generis Use) – Discharged – Apr 2023 - DC/22/93188 - Discharge of conditions 4 (method statement), 5 (remediation measures) and 6 (remediation works implemented) of planning permission F/21/91183 for erection of Units 1-4 for flexible industrial use (Use Classes B2 and B8) and Unit 5 for builders' merchant and external storage, including storage, distribution and ancillary trade counter (Sui Generis Use) – Not yet determined - DC/22/93706 - Discharge of conditions 11 (landscape scheme), 12 (planting plan/method statement) & 13 (LEMP) of planning permission F/21/91183 for erection of Units 1-4 for flexible industrial use (Use Classes B2 and B8) and Unit 5 for builders' merchant and external storage, including storage, distribution and ancillary trade counter (Sui Generis Use) – Not yet determined		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	1.No Comment. The site does not belong to Lambert Brothers anymore and was sold in Feb 2020. When Lambert Brothers did own the site, it had unrestricted access and operating capability 24/7 for over 50 years so I have no objections to this continuing.		
Parish Council:	No Objection		
Environmental Health:	Alteration of operating hours could be acceptable use subject to the noise limits we mention in our memo "F/21/91183". Therefore, on this basis we do not object according to the NPPF. F/21/91183 comments below: <u>Noise:</u> The planning and placemaking rationale is understood for the proposed development layout compromising Units 1 to 4 set to the back of the site beside the railway embankment with front facing entrance and delivery, including articulated lorries manoeuvring and docking on the new hardstanding. The level access (or docking) for lorries is set aside from the car park, cycle park and entrance, although it is noted there is potential conflict between lorries and car parking. Both however are quite fully screened acoustically from the nearest noise sensitive receiver, The Sidings on Judd Close. The Sidings comprises apartments over three storeys with opening windows to all aspects, including over to the application site, the closest portion of which is Unit 5. This building is a 'gateway' to the development and overall, substantially tidies up and repurposes the uses for the future. The area remains commercial, and this has been the case before The Sidings were built and occupied. The ambient noise in this location appears from the same sources over a long-established period. These comprise rail and road traffic and commercial activities. This is the baseline which should hold into the future through good planning. The commercial noise is accepted as is, as long this is reasonably controlled without significant intensification and new operating hours with elevated noise emissions. It seems reasonable also to take it that good maintenance helps to keep noise emissions to the same existing level and from time to time when plant and equipment is due for ordinary replacement due to age etc, emissions for new plant and machinery nowadays are less than what they were years ago. This is due to intervention by regulation. In view of the above, the focus is on the proposed plans for Unit 5 and noise emissions, particularly in the early morning from 0600 as applied for. It seems generally there is established use for heavy vehicle movements into and out of the yard and manoeuvring inside for the loading and offloading of goods. The scale of the site is probably an indication of the extent of activity that can take place over a short period of time, say for 15 minutes. And so, in general, it is looked to consider any new plant and equipment that is particularly noisy and has the potential to disrupt and elevate the ambient noise level, which it is assumed dwelling holders have grown used to. Following a review of the Noise Assessment submitted a range of queries are raised including in relation to the noise monitoring carried out, the limitations on the time that forklift(s) will be used, sound insulation of the buildings, ground absorption, intermittent noise, and the site layout for unit 5.		

	A Noise Technical Note was submitted in response to these queries with this being the subject of further discussion with the EHO. This is covered in relevant section of the below 'Assessment of the Proposals'. <u>Air quality:</u> It is noted from the Planning Statement that vehicle movements will be fewer at times. It is unclear from this however about the effects at other times and therefore both the short term and long-term effects from nitrogen dioxide upon the nearby Air Quality Management Area. We recommend the applicant supplements the narrative on air quality in Section 1.21 of the Planning Statement to be clear on this. A condition is recommended to require a construction management plan to cover matters such as noise and dust emissions arising from demolition and construction activities in the interests of amenity.
Hampshire Highways:	There is no objection from a highway's perspective.
Hampshire & Isle of Wight Fire & Rescue Service:	<u>Building Regulations: Access for Firefighting</u> Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations. <u>Hampshire Act 1983 Section 12 – Access for Fire Service</u> Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations. <u>Fire and Rescue Services Act 2004</u> The following recommendations are advisory only and do not form part of any current legal requirement of this Authority. <u>Access for High-reach Appliances</u> High reach appliances currently operated by the HIWFRS exceed the maximum requirements given in Section 17 of the Approved Document B. When considering high rise buildings these variations should be considered as additions and incorporated as follows. Structures such as bridges, which a high-reach appliance may need to cross should have a maximum carrying capacity of 26 tonnes. Where the operation of a high reach vehicle is envisaged, a road or hard standing is required 6m wide. In addition, the road or hard standing needs to be positioned so that its nearer edge is not less than 3m from the face of the building. <u>Water Supplies</u> Additional water supplies for firefighting may be necessary. You should contact the Water Management Team, Hampshire & IOW Fire and Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ (hydrants@hantsfire.gov.uk) to discuss your proposals. <u>Fire Protection</u> HIWFRS would strongly recommend that consideration is given to the installation of Automatic Water Fire Suppression Systems (AWFSS) to promote life safety and property protection within the premises. HIWFRS is fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all

	in achieving a reduction of loss of life and the impact of fire on the wider community. <u>Testing of Fire Safety Systems</u> HIWFRS strongly recommends that, upon commissioning, all fire safety systems are fully justified, fully tested and shown to be working as designed. Thereafter, their effectiveness should be reconfirmed periodically throughout their working lifecycles. <u>Firefighting and the Environment</u> Should a serious unsuppressed fire occur on the premises, the water environment may become polluted with 'fire water run-off' that may include foam. The Service will liaise with the Environment Agency at any incident where they are in attendance and under certain circumstances, where there is a serious risk to the environment, a 'controlled burn' may take place. This of course could lead to the total loss of the building and its contents. Premises' occupiers have a duty to prevent and mitigate damage to the water environment from 'fire water run off' and other spillages.
National Rail:	<u>No Objection</u>

Site Visit:	Yes ☒	No ☐
Details: 12/05/23		

Policy: National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1, S2 and S4; and Development Management policies DM1, DM2, DM3, DM5, DM6, DM8, DM10, DM11, DM13, DM14 and DM15. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment: The development is considered acceptable and complies with policies S1 (Delivering Sustainable Development), S2 (Approach to New Development), S4 (Employment Provision), DM1 (General Criteria for New Development), DM2 (Environmentally Sustainable Development), DM3 (Adaptation to Climate Change), DM5 (Managing Flood Risk), DM6 (Sustainable Surface Water Management and Watercourse Management), DM8 (Pollution), DM10 (Water and Waste Water), DM11 (Nature Conservation), DM13 (General Development Criteria – Transport), DM14 (Parking) and DM15 (Safeguarding Existing Employment Sites) from the 2016-2036 local plan, in that: <u>Principle</u> Condition 27 attached to planning permission F/21/91183 states: <i>The development hereby approved shall not operate or be open to customers and no deliveries shall be received to or dispatched from the site except between the hours of 0600 to 1900 Monday to Saturday and 0800 and 1600 on Sundays or Bank Holidays. Reason: To protect the amenity of the occupiers of nearby residential properties.</i> <u>Proposed condition variation</u>

- It is proposed that Condition 27 be amended to solely refer to the builders' merchant part of the scheme, as follows:

The building and external areas hereby approved as a Builders Merchant and external storage, including storage, distribution and ancillary trade counter (Sui Generis Use) shall only operate or be open to customers between the following hours: 0600 to 1900 Monday to Saturday; and 0800 and 1600 on Sundays or Bank Holidays. Deliveries shall be taken at or dispatched from the building and external areas hereby approved as a Builders Merchant and external storage, including storage, distribution and ancillary trade counter (Sui Generis Use) only between these hours. Reason: To protect the amenity of the occupiers of nearby residential properties.

- The wording of the condition as proposed is to ensure precision that the intention of the condition is to restrict hours of opening, operation, and deliveries to the building and external areas used in connection to the Builders' Merchant only and not the other units on the site.

Impact of creating 24hour access

- Based on the planning records available, historically there were no restrictions imposed on the previous use of the site in terms of hours of operation.
- The submitted Management Plan (34410/A5/SC) details the steps taken to mitigate against potential noise between the hours of 11pm and 6am, as these hours were not fully covered in the original submission in either the submitted noise report or supporting technical note.
- During the hours of 11pm to 6am the only activities would be the arrival of vehicles into site and then parking these vehicles in the forecourt area. The Management Plan details that the only vehicles expected in these times are those arriving from Europe and as such is limited.
- To mitigate against potential harm, the Management Plan requires vehicles to enter the site and park up to avoid waiting on the highway, switching off engines, avoiding loud noise and no playing of loud music, and that no unloading shall take place between 11pm and 6am. This Management Plan will be conditioned.
- All other conditions from F/21/91183 will continue to apply.

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:	PERMIT ☒	REFUSE ☐
Comments ...		