

DELEGATED OFFICER REPORT

Application Ref: X/23/95488

Site Address: UNITS 1-5 WOODSIDE INDUSTRIAL ESTATE, WOODSIDE ROAD, EASTLEIGH, SO50 4DP

Case Officer: Rachael Morris

Description: Variation of Conditions 1, 15, 16, 17, 18, 19, 21, 22, 28 and 29 of F/21/91183 for the 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 - X/23/94844 - Variation to condition 27 (hours of operation) of planning permission F/21/91183 – Permit – Jul 2023 - 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) – Discharged – Aug 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

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	None		
Parish Council:	No Comment		
EBC Ecology:	If the lighting plan is the same as what was previously approved in F/21/91183 and this application is only to merge two units, then the lighting plan will have to be sufficient for this application. For future reference the Bats and Artificial Lighting guidance note 08/18 has now been superseded by guidance note 08/23 and any subsequent applications must conform to the updated guidance.		
EBC Landscape:	There are only a few minor discrepancies between the Landscape plan, and the new layout submitted under this application. Nonetheless, the landscape plan is conditioned.		
EBC Urban Design:	I have no objections to the minor changes and updates to the internal layout and elevations.		
EBC Environmental Health:	Regarding artificial light (Condition 19), the applicant submits a professional report that calculates compliance with the Institution of Lighting Professionals "Guidance Note for the reduction of obtrusive light" and Environmental Zone E3 which represents "well inhabited rural and urban settlements, small town centres of suburban locations". We consider this is appropriate. On colour of light, we prefer a warm appearance not exceeding 3500 K (kelvin) and if possible, a low albedo ground and building colour.		
HCC Flood & Water:	This will not result in any changes to the building footprint, hard surfacing, or the associated drainage. Therefore, there are no changes or revised calculations in relation to the drainage proposals on site		
HCC Highways:	- Condition 1 - Condition 1 outlines plans to be utilised for the purposes of planning, and a request to update the condition from 194.02.04 to 194.02.04 Revision D is made. The updated plan has been reviewed, and whilst there are changes to unit 3 and 4, combining them into a single unit 3, along with updates to parking and storage areas, these are acceptable from a highway's perspective. As such there would be no objection to a change in plan number as outlined above as proposed by the variation of condition. - Condition 17 - The condition requires parking to be in place prior to the individual units being brought into use, as per plan 194.02.04. The parking layout has been updated and the variation request id to replace this with 194.02.04 Revision D, which is acceptable from a highway's perspective. - Condition 21 - Condition 21 outlines that external storage should only take place in the designated areas as shown on drawing 194.02.04. These areas have been updated on drawing 194.02.04 Revision D, with a minor increase in external storage shown. This addition has no effect on vehicle movement or visibility however, and so there is no objection to the variation of condition proposed. - Condition 22 -The condition outlines that no external storage should take place outside of units 1 to 4 and given unit 4 no longer exists (it is now part of a larger unit 3), the condition required an update to show this, and to update the drawing number appropriately from 194.02.04 to 194.02.05 20.12.2022). The proposed updated condition wording states 'For Units 01 to 03 (as denoted on approved drawing number: 194.02.04 Rev D), no		

	display, placing or storage of goods, materials, racking, plant or equipment shall take place outside of the external storage areas as shown on approved drawing number 194.02.P05. Within these external storage areas, any such storage shall not exceed a height of 3 metres (as measured from ground level)'. The external storage areas shown on plans have been reviewed, and are all located in non-obstructive locations, retaining appropriate aisle widths for vehicle parking where applicable. As such, there would be no objection as proposed from a highway perspective.
HCC Minerals & Waste:	No Comment
Network Rail:	Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests that, where applicable, the applicant / developer follows the attached Asset Protection informatives which are issued to all proposals within close proximity to the railway.
Southern Water:	The submitted drainage layout (22-007-MAR-D01 Rev-C8) indicates that the proposed tree planting within the easement zone of public water main, which will not be acceptable by Southern Water. We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains. No discharge of foul and surface water sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul and surface network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. All other comments in our response dated 24/01/2022 remain unchanged and valid.
Southampton Airport:	No Comment
Environment Agency:	The proposed amalgamation of units 3 & 4 will not result in any material change to flood risk at the site. Therefore the Environment Agency is satisfied with the proposed variation of condition 15 on planning permission F/21/91183.
Natural England:	No Comment

Site Visit:	Yes ☒	No ☐
Details: 12/05/2023		

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:

Principle

- This variation seeks to vary conditions 1, 15, 16, 17, 18, 19, 21, 22, 28 and 29 due to the reference to plans numbers and specific unit references within them. Proposed units 3 and 4 are proposed to be a combined unit. The existing conditions, as currently approved, are listed below.
- Condition 1 states: The development hereby permitted shall be implemented in accordance with the following plans numbered: 21018-4, 4467-A001 P4, 4467-A002 P2, 4467-A003 P2, 4467-A004 P2, 4467-A100 P4, 4467-A101 P9, 4467-A102 P11, 4467-A200 P2, 4467-A202 P2, 4467-203 P2, 4467-204 P3, 4467-A205 P3, 4467-A206 P3, 4467-A301 P2, 4467-A303 P1, 4467-A201-P2, 4467-A302-P3, NK020579-RPS-SI-XX-DR-C-SK1305 P02, NK020579-RPS-SI-XX-DR-CSK1600 P02, NK020579-RPS-SI-XX-DR-D-SK1300 P02, NK020579-RPS-SIXX-DR-D-SK1310, NK020579-RPS-SI-XX-DR-D-SK1311 P01, NK020579-RPS-SI-XX-DR-D-SK1312 P01, NK020579-RPS-SI-XX-DR-D-SK1313, NK020579-RPS-SI-XX-DR-D-SK1314 P01, NK020579-RPS-SI-XX-DR-DSK1315 P01, 210368-CPW-ZZ-XX-DR-E-EXT01-D2-T02.
- Condition 15 states: The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (produced by Flood Smart Plus, ref: 74324RS and dated 17/12/2021) and document ref: NK020579-RPS-SI-XX-DR-D-SK1300 Rev P02, and the following mitigation measures detailed therein: • Finished floor levels shall be set no lower than 16.10 metres above Ordnance Datum (mAOD). • Compensatory storage shall be provided as set out in section 5.0 of the FRA and document ref: NK020579-RPS-SI-XX-DR-D-SK1300 Rev P02. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- Condition 16 states: The drainage system for the development shall be constructed in accordance with the following approved plans and documentation: Drawing Numbers: NK020579-RPS-SI-XX-DR-D-SK1300 Revision P02, NK020579-RPS-SI-XX-DR-C-SK1600 P02, NK020579-RPS-SI-XX-DR-D-SK1300 P02, NK020579-RPS-SI-XX-DR-D-SK1310, NK020579-RPS-SI-XX-DR-D-SK1311 P01, NK020579-RPS-SI-XX-DR-D-SK1312 P01, NK020579-RPS-SI-XX-DR-D-SK1313, NK020579-RPS-SI-XX-DR-D-SK1314 P01, NK020579-RPS-SI-XX-DR-D-SK1315 P01, Drainage Design Philosophy (RPS, Ref: NK020579-RPS-XX-XX-RP-D-0300 P04, dated 01 November 2021), and Sustainable Drainage Assessment GeoSmart, Ref: 74324.01R6, dated 12 December 2021). Any changes to the approved plans and documentation must be submitted to and approved in writing by Local Planning Authority in conjunction with the Lead Local Flood Authority and Southern Water. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.
- Condition 17 states: No unit hereby permitted shall be brought into use until the areas shown on the approved plan (Drawing No: 4467-A102 Revision P11) for the

parking of vehicles associated with that unit have been made available, surfaced and marked out. The relevant parking areas shall then be permanently retained and reserved for that purpose at all times.

- Condition 18 states: The materials to be used in the construction of the external surfaces of the buildings hereby approved shall accord with those as denoted on approved drawing numbers 4467-A301 Revision P2 and 4467-A302 Revision P3.
- Condition 19 states: The external lighting to be installed shall accord with the details set out within the submitted External Lighting Strategy (Couch Perry Wilkes, Ref: 210368, Revision P4, 28/10/21) and Proposed External Lighting Layout (Drawing Number 210368-CPW-ZZ-XX-DR-E-EXT01-D2-T02). No additional or altered lighting shall be installed without the prior written consent of the local planning authority.
- Condition 21 states: For Unit 05 (as denoted on drawing number: 4467-A102 Revision P11), no display, placing or storage of goods, materials, racking, plant or equipment shall take place outside of the external storage areas as shown on approved drawing number 4467-A102 Revision P11. Within these external storage areas, any such storage shall not exceed a height of 5 metres (as measured from ground level).
- Condition 22 states: For Units 01 to 04 (as denoted on approved drawing number: 4467-A102 Revision P11), no display, placing or storage of goods, materials, racking, plant or equipment shall take place outside of the buildings hereby approved.
- Condition 28 states: The buildings hereby approved which are denoted as Units 01 to 04 on the approved site layout plan (Drawing No: 4467-A102 Revision P11) shall be used only for purposes within Classes B2 or B8 of the schedule to the Town and Country Planning [Use Classes] Order 1987, [or in any provision equivalent to those Classes in any statutory instrument revoking and/or re-enacting that Order with or without modification], and for no other purposes whatsoever.
- Condition 29 states: The building denoted as Unit 05 on the approved site layout plan (Drawing No: 4467-A102 Revision P11) and its associated yard/external storage area shall be used only as a Builders Merchant and external storage, including storage, distribution and ancillary trade counter (Sui Generis Use), and for no other purposes whatsoever.

Proposed variation

- The proposed variations to the conditions are listed below, as applied for within the covering letter.
- Condition 1: The development hereby permitted shall be implemented in accordance with the following plans numbered: 21018-4W, 4467-A001 P4, 4467-A002 P2, 4467-A003 P2, 4467-A004 P2, 4467-A100 P4, 194.02.04 Rev D, 4467-A200 P2, 194.02.11 Rev D, 194.02.13 Rev C, 4467-204 P3, 4467-A205 P3, 4467-A206 P3, 194.02.20 Rev A, 4467-A303 P1, 4467-A201-P2, 4467-A302-P3, G01 C4, D01 C8, D11 C1, 210368-CPW-ZZ-XX-DR-E-EXT01 S2 P05.
- Condition 16: The drainage system for the development shall be constructed in accordance with the following approved plans and documentation: Drawing Numbers: D01 C8, G01 C4, D11 C1, Drainage Design Philosophy (RPS, Ref: NK020579-RPS-XX-XX-RP-D-0300 P04, dated 01 November 2021), and Sustainable Drainage Assessment GeoSmart, Ref: 74324.01R6, dated 12 December 2021). Any changes to the approved plans and documentation must be submitted to and approved in writing by Local Planning Authority in conjunction with the Lead Local Flood Authority and Southern Water. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.
- Condition 17: No unit hereby permitted shall be brought into use until the areas shown on the approved plan (Drawing No: 194.02.04 Rev D) for the parking of vehicles associated with that unit have been made available, surfaced and marked out. The relevant parking areas shall then be permanently retained and reserved for that purpose at all times.

- Condition 18: The materials to be used in the construction of the external surfaces of the buildings hereby approved shall accord with those as denoted on approved drawing numbers 194.02.20 Rev A and 4467-A302 Revision P3.
- Condition 19: The external lighting to be installed shall accord with the details set out within the submitted External Lighting Strategy (Couch Perry Wilkes, Ref: 210368, Revision P7, 21/12/22) and Proposed External Lighting Layout (Drawing Number 210368-CPW-ZZ-XX-DR-E-EXT01-S2-P05). No additional or altered lighting shall be installed without the prior written consent of the local planning authority.
- Condition 21: For Unit 04 (as denoted on drawing number: 194.02.04 Rev D), no display, placing or storage of goods, materials, racking, plant or equipment shall take place outside of the external storage areas as shown on approved drawing number 194.02.04 Rev D. Within these external storage areas, any such storage shall not exceed a height of 5 metres (as measured from ground level).
- Condition 22: For Units 01 to 03, no display, placing or storage of goods, materials, racking, plant or equipment shall take place outside of the external storage areas as shown on approved drawing number 194.02.P05. Within these external storage areas, any such storage shall not exceed a height of 3 metres (as measured from ground level).
- Condition 28: The buildings hereby approved which are denoted as Units 01 to 03 on the approved site layout plan (Drawing No: 194.02.04 Rev D) shall be used only for purposes within Classes B2 or B8 of the schedule to the Town and Country Planning [Use Classes] Order 1987, [or in any provision equivalent to those Classes in any statutory instrument revoking and/or re-enacting that Order with or without modification], and for no other purposes whatsoever.
- Condition 29: The building denoted as Unit 04 on the approved site layout plan (Drawing No: 194.02.04 Rev D) and its associated yard/external storage area shall be used only as a Builders Merchant and external storage, including storage, distribution and ancillary trade counter (Sui Generis Use), and for no other purposes whatsoever.
- Some minor amendments have been made to the proposed wording, where it has been deemed necessary.
- Other conditions have been updated to reflect their status in which they have been discharged, amended under a previous application or to reflect that the situation has since moved on.
- Condition 27 was also previously varied under another variation of condition application (X/23/94844) to "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." Therefore, this amendments has been carried forward.

Impact to combine unit 3 and 4

- The proposed variation is to enable the combination of units 3 and 4 to one unit, resulting in a scheme of 4.no units total on site (previously approved as 5.no). While a change to description is not possible under a S73 application, this was achieved through a non-material minor amendment (S96A) application. As such, this proposed unit combination is still in accordance with the approved amended description "for flexible industrial use" with no number of units specified.
- The proposed amendments to the configuration of the units within the flexible building for B2 and B8 uses would be minor in nature when considered against the original permission. The amendments would retain the employment floorspace and overarching wider streetscene approved under the original permission. Overall, the approved character would not be detrimentally impacted by this.

- Condition 23 on the original permission (F/21/91183) gives allowance for a potential subdivision of units (with written consent of the Council). Nonetheless, this proposal seeks to remove a unit in place of one larger unit.
- The physical amendments to the scheme from the exterior are minimal, including minor updates to the elevations that allow for revised entry points, together with reconfiguration of the external parking to create a suitable loading bay arrangement.
- Landscaping is to be retained but the detail of this has been previously approved under a discharge of condition application (DC/22/93706).
- Access would not be changed from the previously approved plans and has been supported by a no objection from Hampshire Highways.
- The principles of the development in relation to surface water drainage and flood risk remain the same as the approved scheme, and the mitigation measures proposed in the approved Flood Risk Assessment and Sustainable Drainage Statement remain unchanged which is supported by the Lead Local Flood Authority.

Other material considerations

- The original permission, F/21/91183, did not have a relevant S106 agreement and as such there is no provision taken forward here within this variation.
- Detailed landscaping was approved under a discharge of condition application (DC/22/93706) however, the agent has made contact to amend the approved landscaping scheme in light of the comments received from Southern Water.

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 ...		