

DELEGATED OFFICER REPORT

Application Ref: X/23/96019

Site Address: EAST HORTON BUSINESS PARK, KNOWLE LANE, FAIR OAK

Case Officer: Rebecca Altman

Description: Variation of Condition 21 of planning permission ref. F/23/94668, to allow BREEAM 'very good' standard to be achieved. Original application description: 'Construction of 5no. general industrial buildings (Use Class B2) containing 15 separate units, including landscaping, parking and associated works (amended description)'.

Particular Site Constraints?	Yes ☒	No ☐
- Partially within the urban edge - South-east side of site is a Site of Importance for Nature Conservation (SINC) - Surface water flood risk on parts of the site		

Planning History?	Yes ☒	No ☐
F/23/94668 – Construction of 5no. general industrial buildings (Use Class B2), containing 15 separate units, including landscaping, parking and associated works – permission 14 July 2023		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	Two representations, raising the following concerns and comments: - Highway safety concerns from increased traffic using Knowle Lane; - Concern about increase in heavy goods vehicles; - Impacts on the health of surrounding residents; - Industrialisation of a countryside location, harming its natural beauty; - Concerns raised during original application continue to apply.		
Parish Council:	No objection.		

Site Visit:	Yes ☒	No ☐
Details: Site visit carried out in March 2023 for original application.		

Policy:
National Planning Policy Framework Planning Practice Guidance
Development Plan: The most relevant policies of the Eastleigh Borough Local Plan 2016-2036 are S1 (Delivering Sustainable Development), and DM2 (Environmentally Sustainable Development).

Assessment:
<u>Principle of the proposal – BREEAM requirements</u>
Policy DM2 of the Local Plan requires all new non-residential development over 500sqm of floorspace to achieve BREEAM 'Excellent' certification. At the time of the application

for the industrial scheme, the applicants had confirmed that an 'Excellent' standard was being targeted and this was secured by condition (Condition 21), worded as follows:

BREEAM Within 3 months following occupation of the building, a report demonstrating how the development meets the relevant BREEAM requirements including a New Construction Post Construction certificate at 'excellent' standard, shall be submitted to and approved in writing by the local Planning Authority. Reason: To ensure that the development meets required sustainability standards in accordance with Policy DM2 of the Eastleigh Borough Local Plan (2016-2036).

The applicants have now submitted this application to seek to reduce the BREEAM target rating from 'Excellent' to 'Very Good'. A BREEAM Pre-assessment report and letter have been submitted, which explain that whilst the excellent standard was targeted, there are various reasons why it cannot be achieved, including:

- Some BREEAM credits were lost due to the time at which the pre-assessment was carried out (i.e. at a later stage in the design process);
- The speculative nature of the development where the end user is unknown and limited utilities are provided in the base build, means that certain credits under 'Health and Wellbeing' cannot be achieved;
- The location of the development in a semi-rural area with limited access to public transport and facilities results in less 'Transport' credits being achieved.

In order to achieve an 'Excellent' rating, a BREEAM score of 70% would be required. The Pre-assessment report concludes that the development can target a score of 60.27% which would achieve a robust 'Very Good' rating.

Whilst a reduction in the BREEAM rating is not ideal and does not accord with Policy DM2, upon review of the submitted information it is considered that sufficient justification has been provided to explain the reasons why the higher standard cannot be achieved in this specific case. It is therefore considered reasonable to allow the condition to be varied to secure a 'Very Good' BREEAM rating.

This decision is based on the very specific circumstances of the proposal, and therefore does not set a precedent for allowing lower BREEAM ratings on other developments in the Borough.

Neighbour representations

Two representations have been received from local residents, raising concerns about increased traffic, health impacts and harm to the character of the countryside. The current application does not propose to amend any part of the development other than the BREEAM requirements set out in Condition 21. All relevant matters such as traffic generation, impacts on the character of the area and amenity of neighbouring residents were fully considered as part of the original application process and there are no proposed changes that would affect the decision previously made in these respects.

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.

The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use.

Whilst this application is to agree a lower BREEAM rating than required by planning policy, the development is still targeting a 'Very Good' rating and will incorporate various energy efficiency measures. The proposal is still considered to meet the objectives of local and national climate change policy.

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 ☐

Conditions as per permission ref. F/23/94668, with Condition 21 varied and other conditions updated in line with conditions discharge (where relevant). Updated text shown in red.

1. Implementation timeframe

The development hereby permitted shall start no later than three years from **the date of planning permission ref. F/23/94668.**

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Plan numbers

The development hereby permitted shall be implemented in accordance with the following plans numbered:

- Location Plan, Promap 1:2500
- SL.01 Rev. E (Proposed Site Layout)
- SL.02 (Proposed Site Layout Block Plan)
- BLOCKA.e Rev. A (Block A elevations)
- BLOCKA.p Rev. A (Block A floor plans)
- BLOCKB.e Rev. A (Block B elevations)
- BLOCKB.p Rev. A (Block B floor plans)
- BLOCKC.e Rev. A (Block C elevations)
- BLOCKC.p Rev. A (Block C floor plans)
- BLOCKD.p Rev A (Block D floorplans)
- BLOCKD.e1 Rev A (Block D north and west elevations)
- BLOCKD.e2 Rev A (Block D south and east elevations)
- BLOCKE.p (Block E floorplans)

- BLOCKE.e1 (Block E north and west elevations)
- BLOCKE.e2 (Block E east and south elevations)
- NJC-001 Rev. B (Vehicle tracking plan)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. CEMP

The development shall be carried out in accordance with the Construction Environmental Management Plan Version 3 (PC Ltd, 21 August 2023), as approved under application ref. DC/23/95645, unless any alternative details are first submitted to and agreed in writing by the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of the works on the amenity of the locality, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

4. Contaminated Land

The development shall be carried out in accordance with the reports and details approved under application ref. DC/23/95891, to include the Remediation Method Statement (The Environmental Protection Group, ref. EPG/8615/2023/RMS/V1 Version 1.0, August 2023), the Ground Investigation Report (Ground and Water, Ref. GWPR5317/GIR/April 2023 V1.01) and Contamination Assessment Letter Report (Ground and Water ref. GWPR5501/CAR/August 2023 V1.01).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policy DM8 of the Eastleigh Borough Local Plan (2016-2036).

5. Contaminated land verification

The development hereby permitted shall not be occupied / brought into use until there has been submitted to the LPA verification by the competent person approved under the provisions of condition 4(b) that any remediation scheme required and approved under the provisions of condition 4(b) has been implemented fully in accordance with the approved details (unless varied with the written permission of the LPA in advance of implementation).

Unless agreed in writing with the LPA such verification shall accord with UK Land Contamination Risk Management (LCRM) national guidance. Typically such a report would comprise:

- A description of the site and its background, and summary of relevant site information,
- a description of the remediation objectives and remedial works carried out;
- verification data, including sample locations/analytical results, as built drawings of the implemented scheme, photographs of the remediation works in progress, etc.
- Certificates demonstrating that imported and / or material left in situ is free from contamination, gas / vapour membranes have been installed correctly.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 4(b)”

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policy DM8 of the Eastleigh Borough Local Plan (2016-2036).

6. Unsuspected contamination

All development shall be stopped immediately in the event that contamination not previously identified is found to be present on the development site and details of the contamination shall be reported immediately in writing to the Local Planning Authority (LPA). Development shall not re-start on site until the following details have then been submitted to and approved in writing by the LPA:-

(a) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all contaminant linkages and unless otherwise agreed in writing by the LPA and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site. and (unless otherwise first agreed in writing by the LPA),

(b) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified contaminant linkages; and

(c) before any part of the development is occupied or used (unless otherwise first agreed in writing by the LPA) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to and approved in writing by the LPA.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with best practice as outlined in BS10175:2011+A2:2017 and LCRM. Any gas monitoring deemed appropriate is to be in accordance with best practice as outlined in such documents as BS8576:2013, BS 8485:2015+A1:2019, Claire RB17 and CIRIA C665.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with Policy DM8 of the Eastleigh Borough Local Plan (2016-2036).

7. Employment and Skills Plan

No development shall commence until an Employment and Skills Plan (ESP) has been submitted to and approved in writing by the Local Planning Authority. The ESP shall be fully complied with during the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide employment and skills development opportunities as a result of the development, in accordance with Policy DM16 of the Eastleigh Borough Local Plan (2016-2036).

8. Protection of public water apparatus

The development shall be carried out in accordance with the 'Statement on the protection of public water apparatus' as approved under application ref. DC/23/95645, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate protection of public water apparatus, in accordance with Policy DM6 of the Eastleigh Borough Local Plan (2016-2036).

9. Drainage

The development shall be carried out in accordance with the drainage details agreed under application ref. DC/23/95645, to include the Drainage GA Plan ref. 393640-500P13, Drainage Details plans ref. 393640-501P2 and 393640-502P2 and Drainage Calculations (Cown Consultancy, 14/07/2023), unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage for the development to reduce flood risk and to minimise pollution, in accordance with Policy DM6 of the Eastleigh Borough Local Plan (2016-2036).

10. Drainage maintenance

Prior to first occupation of the development, details for the long term maintenance of the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- Maintenance schedules for each drainage feature type and ownership;
- Details of protection measures.

The drainage system shall thereafter be maintained in accordance with the approved details.

Reason: To ensure long term management of the drainage system to protect against flood risk and water pollution, in accordance with Policy DM6 of the Eastleigh Borough Local Plan (2016-2036).

11. Materials

The development shall be carried out in accordance with the Materials Schedule approved under application ref. DC/23/95645, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a high quality design in the interest of visual amenity, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

12. Landscaping

The development shall be carried out in accordance with the Landscaping details approved under application ref. DC/23/95645, to include Plans ref. 3046-PP-3002, 3046-PP-3000 and 3046-PP-3001, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a high quality landscape scheme in the interest of visual amenity and biodiversity, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

13. Boundary treatment

The development shall be carried out in accordance with the Boundary Treatment Plan (ref. 3046-GA-1000) and details approved under application ref. DC/23/95645, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a high quality design in the interest of visual amenity, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

14. Building Insulation

The buildings hereby permitted shall be constructed to meet the sound insulation performance requirements set out within the Noise Impact Assessment prepared by 24 Acoustics (12 December 2022, ref. R9791-1 Rev 2), unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect nearby residents and workers from adverse noise impacts in

accordance with Policies DM1 and DM8 of the Eastleigh Borough Local Plan (2016-2036).

15. External Plant noise limits

Prior to installation of any external plant or equipment, full details shall first be submitted to and approved in writing by the Local Planning Authority. All external plant and equipment shall be designed to ensure that the following noise limits are achieved:

- Daytime (07:00-23:00): 38 dB LAr 1hr
- Night-time (23:00-07:00): 36 dB LAr 15min

Reason: To protect nearby residents and workers from adverse noise impacts in accordance with Policies DM1 and DM8 of the Eastleigh Borough Local Plan (2016-2036).

16. Operational Noise Management Plan

The development shall be carried out in accordance with the Noise Management Plan (24 Acoustics, ref. R9791-2 Rev. 0, 21st June 2023), unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect nearby residents and workers from adverse noise impacts in accordance with Policies DM1 and DM8 of the Eastleigh Borough Local Plan (2016-2036).

17. Vehicle parking

Prior to first use of the development hereby permitted, the vehicle parking spaces shown on the approved plans shall be provided and shall thereafter be retained for vehicle parking only.

Reason: To ensure adequate parking in the interest of highway safety, in accordance with Policy DM13 of the Eastleigh Borough Local Plan (2016-2036).

18. Commercial Vehicle Access Plan

The development shall be carried out in accordance with the Commercial Vehicle Access Plan, Technical Note (Nick Culhane, August 2023), as approved under application ref. DC/23/95645, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and amenity of residents to the south of the site, in accordance with Policy DM13 of the Eastleigh Borough Local Plan (2016-2036).

19. Biodiversity enhancement

The development shall incorporate biodiversity enhancement measures as set out in the recommendations of the Ecological Statement prepared by Ecosupport dated 6 March 2023, unless alternative measures are first submitted to and agreed in writing by the Local Planning Authority.

Reason: To achieve biodiversity net gain in accordance with Policy DM11 of the Eastleigh Borough Local Plan (2016-2036).

20. External lighting

External lighting shall be installed and retained in accordance with the approved Lighting Strategy prepared by DFL, ref. 2888 P03 and Plan ref. 13001-S3 P02, dated 12/06/2023, unless alternative details are first submitted to and agreed in writing by the Local Planning Authority. The lighting shown on the southern elevations of Blocks D and E shall strictly be for emergency use only.

Reason: In the interest of visual amenity and to protect commuting and foraging

bats in accordance with Policy DM11 of the Eastleigh Borough Local Plan (2016-2036).

21. BREEAM

Within 9 months following occupation of the building, a report demonstrating how the development meets the relevant BREEAM requirements including a New Construction Post Construction certificate at 'Very Good' standard, shall be submitted to and approved in writing by the local Planning Authority.

Reason: To ensure that the development meets required sustainability standards in accordance with Policy DM2 of the Eastleigh Borough Local Plan (2016-2036).

22. SINC Enhancement and Management

The Site of Importance for Nature Conservation (SINC) shall be enhanced, managed and monitored in accordance with the details and timeframes set out within the Updated Ecological Enhancement & Management Plan (ecosupport, December 2022), unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the long term protection of the SINC in accordance with Policy DM11 of the Eastleigh Borough Local Plan (2016-2036).

23. Cycle Storage

Cycle storage shall be provided in accordance with the details (wall mounted brackets) approved under application ref. DC/23/95645, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage the use of alternative means of transport to the private car, in accordance with Policy DM13 of the Eastleigh Borough Local Plan (2016-2036).

24. B2 use restriction

Notwithstanding the provisions of Schedule 2, Part 3, Class I of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the units hereby permitted shall be occupied for B2 General Industrial purposes only, and shall not be used for B8 storage and distribution without the prior permission of the Local Planning Authority through submission of a formal planning application.

Reason: In the interest of highway safety and to protect local amenity in accordance with Policies DM8 and DM13 of the Eastleigh Borough Local Plan (2016-2036).

Note to applicant: In accordance with paragraph 38 of the National Planning Policy Framework (2023), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Note to applicant: Should a crane be required during development, please refer to CAP 1096 Guidance to crane users on the crane notification process and obstacle lighting and marking.

Note to applicant: An application for connection to the public sewer will need to be made to Southern Water. To make an application, please visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk/>

Note to applicant: Further biodiversity enhancement measures that could be considered for the site include additional bat boxes, and planting for pollinators that provide seeds, nuts and berries.
