

DELEGATED OFFICER REPORT

Application Ref: X/25/100648

Site Address: UNITS 6 & 10, BARTON PARK, CHICKENHALL LANE, EASTLEIGH, SO50 6RR

Case Officer: David Huckfield

Description Variation of conditions 1 (approved plans), 8 (external materials) and 12 (permitted hours of use for the yard area) of planning permission F/24/97441 to allow for the subdivision of unit 6 and its yard area to create two separate units (Unit 6 North and Unit 6 South), and to extend the permitted hours of operation for the yard areas for these units on Mondays to Saturdays to 24 hours a day for Unit 6 South and 0700 to 2300 for Unit 6 North.

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Existing Employment Site Within Eastleigh River Side (Local Plan Designation)		

Planning History?	Yes ☒	No ☐
EAB06651 – Construction of access roads – PERMIT (1970)		
EAB6806 – Barton Industrial Estate (former Eastleigh Carriage and Wagon Works) – Alterations to existing buildings [to form industrial / warehouse unit] – PERMIT (1971)		
Z/15620/000 – Unit 10 – New office entrance and three windows, new factory personnel door signs, part illuminated – PERMIT (1974)		
Z/15620/001 – Unit 10 – Externally illuminated advertisement sign – CONSENTED (1974)		
Z/15620/002 – Unit 10 – Construction of 5 windows and internal alterations to provide an extra floor – PERMIT (1976)		
Z/15620/003 – Unit 10 – Erection of portakabin to be used as a restroom – PERMIT (1982)		
EAB08566 – Unit 6 – Change of use from industrial to warehousing – PERMIT (1974)		
A/15024/002/00 - Unit 6 – Erection of painted wall sign – CONSENTED (1974)		
A/15024/004 – Erection of painted wall sign – CONSENTED (1975)		
Z/15024/010/0 – Unit 6 – Generator housing and oil tank storage compound – PERMIT (1978)		
Z/15024/011/00 – Unit 6 & 10 Barton Park – Alterations to existing doors between units 6 and 10 – PERMIT (1980)		
Z/15024/012/00 – Unit 6 – Bricking up of shutter door openings, form emergency doors and rendering of exterior – PERMIT (1983)		
A/15024/013/00 – Unit 6 – Unilluminated wall sign – CONSENTED (1983)		

Z/15024/014/00 – Unit 6A North – Use of unit for Class X purposes deleting condition No.2 of DP 15024 – PERMIT (1983)

Z/38090/000/00 – Part Unit 6 – Change of use from warehouse (Class B8) to indoor football centre and children's play area (sui generis) with associated facilities.
TEMPORARILY PERMIT – 10/01/2002 (limited period terminating on 25/10/2008).

F/24/97441 – Elevational alterations to Unit 6 including addition of cladding and changes to fenestration, alterations to roof with addition of solar panels, and internal works.
Demolition of Unit 10 to form new service yard for Unit 6 to include resurfacing and drainage works, and erection of palisade boundary fencing and access gates – PERMIT – 09/09/2025

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations	Two letters of objection have been received in relation to the application. The comments made are as follows: <u>30 Barton Road, Eastleigh:</u> <i>We are very concerned that the newly implemented planning (X/25/100648) could be detrimental to our health and wellbeing, i.e. with the work yard being open 24/7 and only 20 metres from our property. We have already had to put up with constant revving of engines and buses being left ticking over for 30 minutes spewing out diesel exhaust fumes, that we have had to shut doors and windows to stop ingress. Also lighting, how many overhead light stanchion posts will be erected as there are so many lights already it's like Blackpool illuminations.</i> <u>26 Barton Road, Eastleigh:</u> <i>I object to the proposed variation of conditions 1, 8 and 12, specifically the extension of permitted operating hours for the yard areas associated with Units 6 North and 6 South.</i> <i>The proposal to allow 24-hour operation of the yard for Unit 6 South, and extended hours from 07:00 to 23:00 for Unit 6 North, would have a significant and unacceptable impact on residential amenity, particularly in relation to noise, disturbance, and loss of sleep.</i> <i>My partner and I both work shifts, meaning our sleep patterns already differ from standard hours and are highly sensitive to noise during both daytime and night-time periods. The introduction of overnight yard use would greatly increase the likelihood of disturbance from vehicle movements, loading and unloading, reversing alarms, voices, lighting, and general industrial activity at times when we are required to rest.</i> <i>In addition, we have a two-year-old child, whose sleep and wellbeing would be adversely affected by noise and activity during late evenings, nights, and early mornings. Regular disturbance at these hours would be detrimental to his health and development and would place additional strain on our family life.</i> <i>The existing permitted hours provide an important balance between commercial use and the need to protect nearby residents from excessive disturbance. Extending yard operations to late night and 24-</i>		

	<i>hour use would fundamentally change the character and intensity of the site, going beyond what is reasonable or appropriate in close proximity to homes.</i> <i>For these reasons, I believe the proposal fails to adequately safeguard residential amenity and should be refused.</i>
Consultation Responses (Summarised)	
Eastleigh Town Council	No comments received.
HCC Highways	In regard to application X/25/100648, with specific regard to the two highway related conditions 1 and 12, having reviewed the information contained within the application pack there would be no objection to the variation of these conditions from a highway perspective. The variation of condition 1 seeks to sub-divide the unit and service yard, and given the size of each yard there remains sufficient space to turn appropriate vehicles and enable forward gear access in and out of the site via the existing approved access / egress points. Onwards, these access / egress points exit out onto private roads, and as such will not impact upon the highway. The variation of condition 12 seeks to change operation hours to 24 hours per day. From a highways perspective, these additional hours do not impact upon any anticipated peak periods, and so there would be no highway concern.
Environmental Health	Following the provision of further clarification in respect of the noise assessment undertaken, no objection is raised to the amended hours subject to a condition to secure the proposed mitigation measures. This is with the caveat that if any noise complaints arise linked to the late operating hours of this site, the Environmental Health Team will investigate these under statutory nuisance powers which may result in the revision or potential restriction of operating hours.

Site Visit:	Yes ☒	No ☐
Details: A site visit was undertaken by the Case Officer to assess the proposals in context.		

Policy:
The Development Plan: Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Policies of the adopted Eastleigh Borough Local Plan 2016-2036. The relevant policies to this application are: S1 (Delivering Sustainable Development), S2 (Approach to New Development), S4 (Employment Provision), DM1 (General Criteria for New Development), DM2 (Environmentally Sustainable Development), DM3 (Adaption to Climate Change), DM8 (Pollution), DM13 (General Development Criteria – Transport), DM14 (Parking), DM15 (Safeguarding Existing Employment Sites), E6 (Eastleigh River Side). National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2024 and, as set out within paragraph 231, the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication.

The Planning Practice Guidance (PPG) provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

Summary of proposal:

Planning permission was granted on 9 September 2025 for *Elevational alterations to Unit 6 including addition of cladding and changes to fenestration, alterations to roof with addition of solar panels, and internal works. Demolition of Unit 10 to form new service yard for Unit 6 to include resurfacing and drainage works, and erection of palisade boundary fencing and access gates*, at UNITS 6 & 10, BARTON PARK, CHICKENHALL LANE, EASTLEIGH, SO50 6RR.

This permission (F/24/97441) was subject to a number of conditions, with this including condition 1 that required the development to be implemented in accordance with the approved plans, condition 8 which required the materials to be used in the external surfaces of the development to match those shown on the approved drawings, and condition 12 which restricted the hours that the approved yard could be used and during which deliveries or dispatches could be undertaken from it.

The conditions in full are as follows, along with the respective reasons for their imposition:

1. *The development hereby permitted shall be implemented in accordance with the following plans numbered: 19467-100 Revision B, 19467-101 Revision A, 19467-102 Revision B, 19467-103 Revision A, 19467-104 Revision A, 19467-105, 19467-106 Revision A, 19467 107, 19467-108, 19467-121 Revision A, 19467-122 Revision A, 19467-123 Revision A, 19467-124 Revision A, 27270-02 T1. Reason: For the avoidance of doubt and in the interests of proper planning.*
8. *The materials to be used in the external surfaces of the development shall match in type, colour and texture to those shown on approved drawing numbers 19467-124 Revision A and 19467-121 Revision A. Reason: To ensure a satisfactory visual appearance in the interests of the amenity of the area.*
12. *The use of the yard hereby permitted shall not operate outside the hours of 0700 to 1900 Monday to Saturdays, and 0800 and 1600 on Sundays or Bank/Public Holidays. No deliveries to or dispatches from the yard shall take place outside of these permitted hours. Reason: To protect the amenity of the occupiers of nearby residential properties.*

The current application seeks to vary these conditions to allow for the subdivision of Unit 6 and its yard area to create 2 separate units (Unit 6 North and Unit 6 South), along with external alterations necessary to facilitate this. Condition 1 is proposed to be updated to reflect these changes in the list of approved drawings, with Condition 8 also proposed to be varied in order that it refers to the correct updated drawing number.

In addition, the application seeks to extend the permitted hours stipulated in Condition 12 for the use of the yard associated with Unit 6 South to 24 hours a day and the yard associated with Unit 6 North to be used between the hours of 0700 and 2300 Monday to Saturday. The hours on Sundays and Bank Holidays (0800 to 1600) would remain unchanged. The supporting information provided with the application outlines that the

change is being sought primarily to increase the commercial appeal of the units to prospective occupiers, with it being contended that the current restrictions would notably limit this.

As the relevant conditions were imposed for residential and visual amenity reasons respectively, these form the principal matters for assessment as part of the application. These are covered in the sections below, along with the other materials considerations of relevance to the changes proposed.

Residential amenity:

The site lies in close proximity to the residential dwellinghouses within Barton Road to the north and, whilst the physical alterations to the building and its yard area raise no additional material concerns, there is considered to be potential for the amenity of the occupiers of these dwellings to be impacted by the proposed changes to the hours of operation of the yard, given that these extend later into the evening period for the northern yard and would allow for 24 hour operations 6 days a week in the case of the southern yard.

The primary matter of consideration in this regard is in relation to the possibility of additional noise and disturbance from vehicular movements, deliveries and other activities being undertaken within the yard areas. Accordingly, the application is supported by a Noise Impact Assessment Report (NIAR) which seeks to assess the impact of the extension of operational hours and delivery times, with this incorporating proposals for mitigation measures where identified as being required.

The NIAR concludes that the predicted noise levels correlate with “low noise impact” for 24 hour use of Unit 6 South and for the extended use between 19:00 and 23:00 for Unit 6 North, in accordance with the BS 4142:2014+A1:2019 guidance. In addition, the total predicted noise levels due to all assessed activities cumulatively correlate with a “low noise impact” in accordance with the BS 4142: 2014+A1: 2019 guidance when the night-time assessment for the unit 6 North service yard is excluded. The NIAR includes mitigation measures in the form of a 4m high acoustic barrier between the two yard areas, as well as a Noise Management Plan which sets out measures that will be adopted in order to minimise the noise impact on surrounding properties. The revised site configuration also provides for a separate vehicular access to the south yard to its southern side to minimise the need for vehicles using it to pass by the neighbouring dwellinghouses.

This information has been reviewed by the Council’s Environmental Health Officer (EHO) who, following the provision of some clarifications in relation to the noise survey information, has raised no objection to the application subject to conditions to secure the mitigation measures proposed. This will necessitate an update to the wording of condition 7 and an additional condition (16) being imposed in relation to the acoustic fencing. Whilst the objections raised by neighbouring residents are therefore noted and acknowledged, on balance, it is not considered that the application could reasonably be refused on the grounds of undue noise and disturbance. As highlighted by the EHO, however, should any such issues arise these can be investigated separately under the statutory nuisance powers available to them.

Finally, with regards to the matter of lighting raised by the neighbouring resident, no additional lighting forms part of this current application, with the exterior lighting remaining subject to the provisions of condition 10 of the approval.

Taking account of the above factors, therefore, there considered to be no unacceptable conflict with the requirements of Policies DM1 and DM8 of the adopted Local Plan in respect of the matter of residential amenity.

Design and impacts on the character of the area (including visual amenity):

The physical changes proposed to the site and the building are, as noted above, to allow for its subdivision along with that of the corresponding yard area. The extent of these changes is relatively minor and will have limited impact on the appearance of the building when compared to the approved plans. The external works include the introduction of an acoustic fence at 4m in height which will subdivide the yard space and, whilst this will be visible from the site's surroundings to a degree, it is not an uncommon sight in a commercial setting and its amenity protection benefits outweigh any resulting visual impacts in any event. The change to the access arrangements, with the introduction of a southern access point to serve Unit 6 South makes logistical sense and again will assist in minimising potential disturbance occurring during the extended hours of operation.

Accordingly, the proposals are deemed to comply with the provisions of Policy DM1 of the Local Plan in relation to layout, design and the impact of the proposals on the character and visual amenity of the area.

Highway matters:

From a highway safety perspective there are no notable concerns in respect of the changes to the scheme arising from the proposed variation of the relevant conditions, and no objection has been raised by the Highway Authority. As noted within their comments, sufficient space will be retained within the respective yard areas to enable forward gear access and egress via the approved entrance points, and there will be no undue impacts on the wider highway network owing to the proposed extended hours not affecting peak periods. There is, therefore, considered to be no conflict with the relevant local and national planning policies in relation to the highway related impacts of the proposals.

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; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality; (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 supports economic growth and productivity with the aim of building a strong competitive economy, and Policy S2 of the Local Plan sets a target for 103,500sqm of new employment development to be provided within the borough over the plan period. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and the Council's adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to limit impacts on climate emissions as a result of the development or its use.

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.

Recommendation:

PERMIT ☒

REFUSE ☐