

DELEGATED OFFICER REPORT

Application Ref: F/24/97142

Site Address: Unit 4, Trafalgar Close, Eastleigh, SO53 4BW

Case Officer: David Huckfield

Description: Change of Use from Gymnasium (Class E(d)) to Storage Use (Class B8) and siting of 9 storage containers and 8 half sized storage containers.

Relevant Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Within Designated Employment Site		

Planning History?	Yes ☒	No ☐
Z/15239/000/00	Construction of cul-de-sac for industrial development	Permitted (July 1974)
Z/15791/000/00	Erection of industrial building with offices.	Permitted (February 1975)
Z/15791/002/00	Construction of industrial building with ancillary offices and stores.	Permitted (December 1976)
Z/15791/004/00	Alterations to ground floor and first floor extension to increase office accommodation.	Permitted (May 1979)
Z/15791/008/00	Side extension.	Refused (July 1992)
Z/15791/009/00	Erection of side extension.	Permitted (November 1992)
A/15791/016/00	Display of internally illuminated fascia sign fronting School Lane.	Withdrawn (May 2001)
Z/15791/015/00	Change of use from furniture manufacture to fitness club with alterations to south east elevation and car park layout including reduction in width of School Lane and Trafalgar Close vehicular access points.	Permitted (August 2001)
A/15791/017/00	Display of internally illuminated fascia signs.	Consent to Advert Display (August 2001)
Z/15791/018/00	Change of use from existing industrial use to health club.	Permitted (January 2003)
Z/15239/000/00	Change of use of part of industrial unit from storage and distribution (B8) to bicycle showroom and sales (A1).	Withdrawn (October 2011)
U/14/74859	Certificate of Lawfulness: Use as B8.	Certificate Issued (August 2014)
F/23/96102	Change of Use of Unit 4 from Gymnasium (Class E(d)) to Storage use (Class B8), modifications to external elevations and siting of 20 storage containers	Refused (November 2023)

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations	None		
Parish Council	No comments received		
HCC Highways	In regard to application F/24/97142, the information submitted as part of the application pack has been reviewed, and there is no objection to the proposals from a highway perspective. Access in and out of the site will be via existing access points from the highway, and this is acceptable with appropriate geometry and		

	visibility splays achievable onto both School Lane and Trafalgar Close. In terms of trip rates, it is noted that the proposals simply return the unit to its original B8 use class, utilised prior to the conversion to a gym, and even in comparison to gym use, it is not anticipated that trip rates will be markedly different when taking into account linked and passby trips, etc. With regard to parking, whilst the quantum of parking has not been assessed as this is for EBC to review in line with the EBC Parking Standards, it is noted that surrounding roads are extensively covered by Traffic regulation Orders (TROs). As such obstructive highway parking would be unlikely. In terms of layout, this is acceptable with adequately sized bays, and aisle widths suitable for easy turning on site to enable forward gear access and egress.
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Site Visit:	Yes ☒	No ☐
A site visit was undertaken by the Case Officer to review the proposals in context		

Policy: Legislative Background: 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: The Development Plan comprises of the Saved Policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to the application: 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), DM11 (Nature Conservation), DM13 (General Development Criteria – Transport), DM14 (Parking), DM15 (Safeguarding Existing Employment Sites). Other material considerations: <u>Supplementary Planning Documents (SPDs):</u> The following SPDs and Background Papers are of relevance to the proposals: • Environmentally Sustainable Development (Adopted March 2009) • Draft Parking Standards (Not yet adopted) <u>National Planning Policy/Guidance:</u> The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2023 and as set out within paragraph 224 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 provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

Planning history:

The application is a resubmission following the refusal of planning application F/23/96102 in November 2023. That application had also sought approval for the change of use of the application premises from Class E(d) to a B8 storage use, however, the proposals incorporated the siting of 20no. full size storage containers within the building's existing car parking area. The application was refused on the grounds of the visual impacts resulting from the containers on the character of their surroundings. Additionally, insufficient information was identified as having been provided in respect of whether an adequate level of parking would be available to serve the proposed use, as well as to demonstrate how the development would accord with the Council's sustainability requirements and, in particular, the achievement of a BREEAM 'Excellent' rating in accordance with Policy DM2 of the Local Plan.

Principle of development:

The application site lies within the urban edge and forms part of an established employment site within the Council's adopted Local Plan. Policy S2 sets a target of 103,500sqm of new employment development within the Borough across the Plan period (2016-2036), with Policy S4 setting out the strategy for how this will be sought to be achieved. This strategy includes retaining existing (and allocated) employment sites which have the potential to contribute towards future employment needs, and intensifying their use in accordance with the provisions of Policy DM15.

The principle of the change of use proposed from a gymnasium (Use Class E(d)) to a B8 storage use (which is a defined employment use under the provisions of Policy S4), is therefore considered to be acceptable and, whilst modest in the context of the overall Local Plan target, the proposals would nonetheless make a contribution towards meeting the strategic employment needs of the Borough.

Any subsequent planning approval is however subject to the development being considered to be appropriate in other respects, which includes in terms of its layout, design and visual impacts, as well as with regards to parking and sustainability considerations. These matters are covered below.

Design, layout and impact on the character of the area:

Whilst the change of use of the building from E(d) to a B8 storage use had been considered to be acceptable in the previous scheme (F/23/96102), the proposal to site 20no. full size storage containers along the northern side of the application building had generated concerns in respect of their size, number and appearance and the resulting visual impact that they would have upon the site's surroundings. The application was, for this reason, thereby deemed to be in conflict with the provisions of Policy DM1 of the adopted Local Plan.

Following the refusal, the applicant has proactively engaged with the local planning authority through the pre-application process to consider a range of alternative options for the site and ways in which additional storage could be provided that may be considered more appropriate in planning terms. These discussions have resulted in the current scheme which, whilst still resulting in containers being sited in a similar position to the previous application, uses much smaller scale units in the eastern part of site which is the most prominent as seen from the wider public realm owing to its proximity to the junction with School Lane.

The reduction in the scale of these containers will notably lessen their visual impact on their surroundings, with them being substantively viewed against the backdrop of the larger main building and projecting out from it to a much more limited extent than had previously been the case. A degree of screening for the containers will also be provided

by the existing vegetation along the site's northern and eastern boundaries, with this being proposed to be retained and further bolstered as part of the proposals, thereby serving to soften the visual effects of the development within the street scene.

Taking account of these factors and, whilst acknowledging that the proposals will still have an impact on the site and its surroundings, it is not considered that this would be unacceptably harmful and when considered in the context of the site being within an established industrial estate and the significant weight that is placed by the NPPF on the need to support economic growth and take account of local business needs and wider opportunities, it is considered that an appropriate balance is achieved in this case.

As noted above, the change of use of the building itself raises no concerns and is considered to be appropriate within a designated employment site. A condition will be imposed to restrict this use to B8 storage only, with a further condition to limit the number of containers and their siting to what is shown on the submitted layout plan in the interests of amenity and highway safety. With the addition of these conditions, the proposals are considered to be in compliance with policies DM1 and DM15 of the adopted Local Plan.

Highway matters:

In this respect, whilst the Council does not currently have adopted parking standards for commercial uses, these are being sought to be introduced with public consultation having recently been undertaken on an updated Draft Parking Standards Supplementary Planning Document (SPD). The consultation period ended in September 2023 and the Council is now in the process of reviewing the feedback received with a view to thereafter updating the document as required and then seeking Cabinet approval for its adoption. Whilst the timescales for this process have yet to be confirmed and the SPD attracts only limited weight due to its status, it nonetheless provides a useful indication of the 'direction of travel' in terms of the Council's likely requirements for parking provision moving forwards.

This document, within Table 4 on page 28, proposes a standard for B8 warehouse uses of 1 car parking space per 80m² of floorspace. The existing Sentry use is served by 20 car parking spaces, whilst the proposals will increase the existing level of floorspace by a further 11,355 sqft / 1054 sqm (inclusive of the part of the building for which a change of use is sought and the proposed storage containers). Based on a requirement of 1 space per 80 sqm, this would require an additional 13 spaces to be provided and, as shown on the submitted site plan, these would be made available within the car park to the front of premises. These spaces would also be of an appropriate size and would incorporate 2 designated spaces for disabled people. The level and nature of provision proposed would therefore accord with the provisions of the Council's draft SPD in these respects.

The loading bay for the building and the frontage area which serves this will remain unaltered and unimpeded, with the vehicular access arrangements to the wider site also remaining as existing. These, as noted by the Highway Authority, are considered to be acceptable in respect of their geometry and visibility splays. In addition, the anticipated trip rates arising from the proposed use are not envisaged to be markedly different to the existing and the development will not, therefore, have a noticeable impact on the surrounding highway network. Finally, cycle parking will also be made available by way of the provision of a Sheffield Cycle Stand in the corner of the car park area and a condition will be imposed to require that this and the proposed car parking provision are in place prior to the building being brought into use for the approved purposes. The former will stipulate that the cycle stand should accommodate a minimum of 3 cycle parking spaces in accordance with the provisions of the Draft Parking Standards SPD (being 1 space per 10 members of staff and 1 space per 600sqm per 600sqm of floorspace).

Overall, it is considered that the development is acceptable in highway terms which includes the provision of an appropriate level of on-site car parking to serve the end use. The reason for refusal of the previous application in this regard has therefore been

adequately overcome and the development complies with the requirements of Policies DM13 and DM14 of the adopted Local Plan.

Environmental sustainability:

Part b. and Part 2. of Policy DM2 set out the environmental sustainability requirements that are applicable to non-residential development above 500sqm of floorspace measured externally, with this including extensions and conversions to existing buildings. As the proposals would technically constitute a conversion and the level of floorspace within the building would exceed the specified threshold, these requirements are deemed to apply in this case. The policy requirements should therefore be complied with unless there are sufficient material considerations to justify a decision otherwise than in accordance with the development plan (as required by statute).

Following the refusal of the previous application, the applicant has commissioned a sustainability consultant to consider the feasibility of the requisite policy requirements being met and, in this respect, the submission is supported by an assessment of the relevant criteria in the context of the nature application building, as well as the type of development proposed and the works that it will involve.

The assessment considers each of the criteria for non-domestic refurbishment and fit out under BREEAM, which incorporate fabric and structure, core services, local services and interior design. It sets out that, owing to the narrow scope of the building changes, including there being no plans to extensively renovate the structure of the building, no proposals for any space heating, cooling ventilation or hot water services, and no local electrical installations or changes to at least 50% of sanitary fittings or equipment, the proposals do not meet the criteria for assessment under BREEAM UK.

The information provided is therefore considered to adequately demonstrate that the development would not be able to achieve compliance with the requirements of Policy DM2 of the adopted Local Plan or the provisions of the Council's Environmentally Sustainable Development SPD, and this is considered to represent a material consideration of sufficient weight to justify a decision otherwise than in accordance with the development plan in this respect.

Residential amenity:

The proposals, due to their nature and siting relative to the nearest residential properties, will not unacceptably impact upon the amenity of their residents in terms of noise or disturbance, loss of light, privacy or outlook, nor will the development be unduly overbearing.

Nature conservation:

As the proposals consist predominantly of internal alterations to an existing industrial building as well as the siting of containers on areas which are currently laid to hardstanding, there are considered to be no likely significant impacts on either local or European designated sites for nature conservation.

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 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 as noted earlier in this report. 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. Whilst the BREEAM requirements set out within Policy DM2 would not be achieved in this case, this has been appropriately justified as set out above and, taking account of the nature of the proposals, the site context and the limited extent of the works proposed, the development is nonetheless expected to be resilient to the potential effects of climate change and to have limited impact on climate emissions as a result of the development and the change of 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 ☐