

DELEGATED OFFICER REPORT

Application Ref: F/24/98174

Site Address: Unit 1, Hedge End Retail Park, Charles Watts Way, Hedge End, SO30 4RT

Case Officer: David Huckfield

Description: Proposed erection of a 3m high acoustic fence

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Within an Out-of-Centre Location Existing Retail Park SINC (Hogsty Corner – 1A/1Cii/3B/5Ai/5Bii) Local Nature Reserve (Wildern) Great Crested Newt Impact Risk Zone – Red Main River 8m Buffer Partially Within Flood Zones 2 and 3		

Relevant Planning History?	Yes ☒	No ☐
Z/19545/032 – Demolition of existing retail warehouse and garden centre of 4,827 square metres gross external area and replacement with three new retail warehouse units of 4,347 square metres gross external area. New entrance to courts retail unit, alterations to car park, associated external works, landscaping, and de-culverting and re-siting of existing watercourse including the removal of trees – PERMIT – 02/07/1998 U/12/70225 – Application for a lawful development certificate for a proposed unrestricted A1 retail use (removal of condition 9 of planning permission 19545/009) – UNIT 2 – Allowed on Appeal (18 September 2012) F/18/84198 – Minor alterations to the exterior of the building and adjacent public realm to facilitate the subdivision into 2no. retail units – PERMIT (04/12/2018) F/20/87203 – Partial demolition and subdivision of Unit 1, the subdivision of Unit 2 and the installation of mezzanine floors in Units 1 and 2 and related works, elevational alterations and refurbishment of Units 1, 1A, 1B and 2, and alterations to car parking layout – PERMIT (04/06/2021) F/21/91821 – Use of existing retail unit as foodstore (Use Class E) with external building and layout alterations to include changes to car park – PERMIT (12/09/2022) X/24/96772 – Removal of condition 17 (Delivery hours) of planning permission F/21/91821 for the use of existing retail unit as foodstore (Use Class E) with external building and layout alterations to include changes to car park – REFUSED (17/06/2024)		

Site Visit:		Yes ☒		No ☐	
Publicity:		Letters ☒	Site Notice ☒		Newspaper ☐
Representations					
A total of 2 letters of support were received in relation to the application, with the following comments being made:					
58 Goodlands Vale, Hedge End					
This acoustic barrier will hopefully reduce or eliminate the noisy fans at Aldi that run 24 hours a day. We therefore fully support this application.					
Unit 1 Hedge End Retail Park, Hedge End (Aldi)					

All of the Aldi staff are strongly in support of this planning application. We would like to ensure that our local community are not affected by any delivery noise and that we are all working together to deliver a fantastic experience to everyone in Eastleigh borough.

The creation of the fence will also assist in the operational planning of the store to allow the store staff to have a stronger work-life balance as the staff rota will no longer be dictated by strict delivery windows.

Consultee Responses (Summarised)

Hedge End Town Council	No objection.
HCC Highways	In regard to application F/24/98174, having reviewed the information contained within the application pack, there would be no objection to the proposals from a highway perspective. The proposed fence is located on private land well away from the public highway, and has no impact on the turning and parking areas of the adjacent retail units.
Ecology	I have reviewed the amended Site Plan as Proposed (P03, December 2024) which has relocated the acoustic fence as close to the edge of the road as possible and immediately behind the vehicle barrier. The plan also states that installation will be carried out from the retail park side to minimise disturbance to vegetation. The recommendations in the Ecological Impact Assessment (EclA) report by Tyler Grange (December 2024) are appropriate and can be implemented. Although the fence is proposed to be 66 m long, the new proposed location of the fence does not impact on any habitat, so this application is not required to provide 10% biodiversity net gain. The proposed biodiversity enhancements for amphibians and reptiles (habitat piles along the woodland edge, south of the new acoustic fence, using arisings from the pruning works) are appropriate and can be conditioned. A CEMP can be conditioned and must include the key protection measures for amphibians listed in section 3.6 of the EclA report, and all precautionary working methods for amphibians, reptiles and hedgehogs (3.11), badgers (3.13), bats (3.17), nesting birds (3.19) and dormice (3.21).
Environmental Health	Noise: I refer to the application for erecting a 3m acoustic fence to the boundary of the premises [Aldi] and comment on Environmental Noise Impact. Referencing the covering letter Planning Potential 11 September 2024, giving manufacturers specification for noise reduction; it does not show the impact at the noise sensitive receptor [NSR] being the residential houses in Goodlands Vale. There is nothing further linking this to the refusal X/24/96772 June 2024 for removal of condition 17 [delivery hours]. If the wish of the applicant, this can be made separately with an acoustic report showing the enhancements of acoustic fencing on the NSR. Therefore, I have no objections to the application. Contaminated Land: Regarding contaminated land, I noted that the site is located within an identified contaminative land use area. The proposed erection of

	3m acoustic fence will generate ground disturbance. I suggest construction works are to be undertaken under a watching brief, to identify, assess and control any unexpected contamination. The principle of development is supported subject to conditions requiring the submission of a CEMP for approval by the LPA prior to the commencement of development, as well as to require a watching brief for land contamination.
Tree Officer	We have no arboricultural objection to the installation of the acoustic fence. Whilst there is pruning proposed, this should not impact the overall amenity provided.
Environment Agency	No objection. Advice to applicant provided in respect Environmental Permitting requirements.
Southern Gas Networks	Information provided in relation to the location of SGN assets/pipes and advice in respect of working in the proximity of underground services.
Scottish and Southern Electricity Networks	Information provided in relation to the location of SSE assets/service cables and advice in respect of working in the vicinity of underground cables.

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 policies of the Eastleigh Borough Local Plan 2016-2036 and the application must be assessed against those that are of relevance to the proposed development. The relevant policies in this case are: S1 (Delivering Sustainable Development), S2 (Approach to New Development), S4 (Employment Provision), DM1 (General Criteria for New Development), DM3 (Adaption to Climate Change), DM8 (Pollution), DM11 (Nature Conservation), DM13 (General Development Criteria – Transport), DM14 (Parking).

National Planning Policy/Guidance:

The Revised 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 provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

Layout, Design and Impact on the Character of the Area

The application proposes the construction of a 3m high acoustic fence. The fence will be of timber construction, with horizontal boarding interlocked in a tongue and groove arrangement. The fence will span approximately 66m in length and will be situated immediately behind an existing vehicle barrier which runs along the southern perimeter of the service yard area of the adjacent retail stores.

The fence is functional in design and appearance but is considered appropriate in visual terms for its setting and purpose. It is not excessive in height or length in these regards and its positioning behind the aforementioned terrace of retail stores, which are of a notably greater height and scale, will serve to limit its visual impacts from the surrounding public realm. Whilst it will likely be visible to varying degrees from the residential area to the south of the site, it will be seen against the backdrop of these buildings, with views also being filtered by the adjoining trees / woodland. It is not considered therefore that it would represent a visually obtrusive feature or unduly detract from the character of the area.

Ecology

The site is situated on the edge of a designated SINC (Hogsty Corner) and Local Nature Reserve (Wildern), in light of which the Council's Ecologist highlighted a requirement for the undertaking and submission of an Ecological Impact Assessment (EcIA). This assessment has subsequently been carried out and submitted to the LPA during the course of the application process.

The EcIA concludes that the development would not impact on the broadleaved woodland edge habitat associated with the aforementioned designated sites and that any potential impacts arising from construction upon this, as well as upon any protected species that may use or be present within these sites, could be appropriately mitigated through the adoption of a range of construction management measures which would be contained within a CEMP (Construction Environment Management Plan) that could be secured by condition.

With regards to Biodiversity Net Gain (BNG), the submitted EcIA advises that, as the works would not constitute an impact to any habitat, there is no requirement for the mandatory 10% BNG stipulated within the Environment Act to be achieved. There does, however, remain a planning policy requirement (as set out within Policy DM11 of the Local Plan) for BNG to be achieved and, in this respect, the EcIA proposes enhancement measures for amphibians and reptiles in the form of the creation of habitat piles using arisings from the pruning works that will be required to facilitate the provision of the fence. These enhancements will be secured by condition.

The submitted information has been reviewed by the Council's Ecologist who has raised no objections subject to conditions and, overall, the application is considered to comply with the relevant local and national planning policies in respect of its ecological impacts.

Residential Amenity

Taking account of the nature of the development proposed as well as the separation distance afforded to the nearest residential dwellings within Goodlands Vale to the south, it is not considered that the development will be unduly overbearing or result in a loss of light or outlook for their occupiers.

In addition, the fence, which is of an acoustic barrier type, would likely have some amenity benefits for the occupiers of these neighbouring properties through a reduction in the noise arising from the activities undertaken at the rear of the commercial premises. Albeit, and whilst noting that the manufacturer's specification for noise reduction is stated, the exact impact at the noise sensitive receptor (the residential properties in Goodlands Vale) has not been shown as part of the submission as has been highlighted by the Council's Environmental Health Officer (EHO). It should also be noted, in the context of the representation received from the Aldi store, that the granting of consent for the fence does not in itself allow for an extension to the permitted hours for deliveries to the premises which is restricted by a condition of the original approval for the store, and which would thereby require a separate consent.

In terms of the construction phase of the works, it is noted that the Council's EHO has recommended that a detailed Construction Environment Management Plan (CEMP) be

submitted for approval by the LPA prior to the commencement of development, with this to include a wide range of matters such as measures to control dust, noise and vibration, details of construction lighting, as well as a range of highway related considerations.

The agent for the application has queried the necessity of the recommended pre-commencement condition in this regard, taking account of the fairly limited nature of the physical construction works that would be undertaken. It is also noted that the highway authority have not themselves requested a CEMP be submitted to cover the potential highway related impacts of construction.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 stipulates that a pre-commencement condition must not be imposed on the grant of planning permission without the written agreement of the applicant, except in specific circumstances. Where these circumstances don't apply and where a condition is not agreed but deemed to be necessary by the LPA, the alternative would be for planning permission to be refused on the basis that the development would not appropriately mitigate its impacts.

In this particular case, the specific circumstances referred to above which are stipulated in the Pre-commencement condition Regulations do not apply. However, and on balance and having regard to the above factors as well as the nature of the development proposed which is likely to be undertaken for a limited period and not involve significant ground works, it is not considered that it would be reasonable to refuse permission in this case on the grounds of the development failing to mitigate for its potential construction related impacts, and a condition to control construction hours is deemed to be sufficient in this particular regard and in this specific instance.

A CEMP covering the ecological impacts of the construction works (as referenced in the above section on 'Ecology'), is however deemed to be necessitated given the location of the development and the nature conservation designations that apply to the site, and the applicant has agreed to a pre-commencement condition in this respect.

Contaminated Land

The Council's Environmental Health Team have advised that the site lies within an identified contaminative land use area. Taking account of this and that the works proposed will generate a degree of ground disturbance, they have recommended that the development be undertaken under a watching brief. This is to ensure that should any unexpected contamination be identified during the works, that this is investigated and subsequently remediated (where necessary) in an appropriate manner. A condition will therefore be imposed in this regard.

Highway Matters

In terms of the highway related impacts of the proposals, no objection has been raised by the Highway Authority. As noted within their consultation response, the fence is located on private land away from the public highway and will not impact upon parking or turning areas, or visibility for vehicles entering or exiting the service yard area for the retail stores. There is therefore no conflict with the relevant local and national planning policies 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 also part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts. When considering the impact of climate change and taking account of the nature of the application, the proposed development raises no significant concerns.

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:	The proposals are considered to be in compliance with the relevant local and national planning policies and associated guidance and the application is, therefore, recommended for approval subject to conditions.	
Recommendation:	PERMIT ☒	REFUSE ☐