

DELEGATED OFFICER REPORT

Application Ref: X/25/100012

Site Address: HCE, VICTORY CLOSE, CHANDLER'S FORD, EASTLEIGH, SO53 4DG

Case Officer: Dorothy Hei-Tung-Hoh

Description: Variation of condition 2 of planning permission F/25/99168

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

Planning History?	Yes ☒	No ☐
• Z/17346/000/00 - Steel portal framed ware housing unit with engine testing facilities - Permit - 11/11/1976 • Z/17346/001/00 - single storey building for use as a petroleum store - Permit - 24/01/1983 • F/04/52227 - Use of premises for B1, B2, B8 (including trade/retail showroom) and new entrance canopy. Alterations to external elevations - Permit - 15/11/2004 • F/25/99168 - Retrospective change of use from unusable wasteland to concrete parking/open storage – Permit - 16/07/2025		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	No comments received.		
Parish Council:	No comments received.		

Site Visit:	Yes ☒	No ☐
Details: 9 th April 2025.		

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, S4; and Development Management policies DM1, DM2, DM11, DM13, DM14 and DM15.
Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:
<u>Site context and surroundings</u>
The application site comprises a large industrial unit currently occupied by HCE. The building has a typical industrial appearance, with its principal elevation facing School Lane and a secondary elevation addressing Victory Close. The site is located within a

designated employment area, which is characterised predominantly by commercial and industrial uses. The surrounding area includes a range of large-scale warehouse-style buildings and associated areas of hardstanding.

Proposal

This application seeks to vary Condition 2 of planning permission F/25/99168, which granted retrospective approval for the change of use from an unused area of land to concrete parking and open storage at HCE, Victory Close.

Condition 2 of the approved scheme currently restricts the use of the hardstanding as follows:

“The hardstanding area hereby approved shall be used only for purposes ancillary to the authorised use of the site and shall not be used for the external storage of waste, hazardous materials, or for independent commercial operations not related to the main use of the site, unless otherwise agreed in writing by the Local Planning Authority.”

The applicant seeks to amend this wording to clarify that the restriction does not unintentionally prohibit legitimate ancillary storage activities associated with the authorised commercial use of the premises. The proposed condition reads:

“The hardstanding area hereby approved shall be used only for purposes ancillary to the authorised use of the site and shall not be used for the external storage of domestic or household waste, hazardous materials, or for independent commercial operations not related to the main use of the site, unless otherwise agreed in writing by the Local Planning Authority.”

The applicant explains that the wording of the existing condition could be interpreted as preventing the storage of commercial bins, packaging materials, and by-products directly linked to the main business operation. The variation is therefore intended to permit ancillary storage related to the authorised use of the unit while maintaining controls to prevent unrelated, hazardous, or inappropriate external uses.

Assessment

Applications made under Section 73 of the Town and Country Planning Act 1990 allow consideration of amendments to the wording of planning conditions attached to an existing permission. The effect of approving a Section 73 application is the issue of a new permission incorporating the varied condition, while all other conditions remain unchanged unless explicitly varied.

Following review, it is considered that the proposed variation would not alter the nature or intensity of activities on the site. The hardstanding would continue to function as an area ancillary to the existing industrial unit.

However, it is recognised that the reference to domestic or household waste in the applicant's suggested wording is unnecessary, as the site forms part of an established employment area where no domestic waste would be generated. The Local Planning Authority therefore considers that a simplified version of the condition, retaining the restriction to ancillary use while omitting redundant references to domestic or hazardous waste, would be more appropriate.

The revised condition is set out below:

The hardstanding area hereby approved shall be used only for purposes ancillary to the authorised use of the site and shall not be used for any independent commercial operation

not related to the main use of the site, unless otherwise agreed in writing by the Local Planning Authority.

This amended wording provides the applicant with reasonable operational flexibility while maintaining sufficient planning control to safeguard the character and appearance of the area.

The variation would not result in any additional environmental, amenity or highway impacts beyond those already deemed acceptable under permission F/25/99168. The development would remain in accordance with Policies DM1, DM2, DM11, DM13, DM14 and DM15 of the Eastleigh Borough Local Plan (2016–2036) and the objectives of the National Planning Policy Framework (2024).

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. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change.

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 ☐
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