

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 25 June 2013
 Planning Application Report of the Planning and Development Manager**

Application address: Trinity Industrial Estate, Millbrook Road West SO15 0LA			
Proposed development: Continued use of industrial park not in accordance with condition 8 of planning permission ref 1580/W12. Variation to alter the hours of servicing to allow servicing vehicles between 7:00am and 7:00pm (7 days a week) with restrictions on Sundays for lorries and HGV's.			
Application number	13/00536/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	10/06/2013	Ward	Millbrook
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Laming Cllr Furnell Cllr Thorpe

Applicant: Scm Property And Investment Company Limited	Agent: Prime Planning & Development Ltd
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Recommendation Summary	Conditionally Approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including surrounding residential character, impact on residential amenity in terms of noise and traffic have been considered and are not judged to have sufficient weight to justify a refusal of the application, where applicable conditions have been applied in order to satisfy these matters. The Local Planning Authority has also taken into account the background noise level near to the site over the time period during which the additional operating hours have been requested. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP16 and RE11 (xi) of the City of Southampton Local Plan Review (March 2006) and CS6 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached	
1	Development Plan Policies

Recommendation in Full

Conditionally Approve

1.0 The site and its context

- 1.1 The site is located on Millbrook Road West which is a heavily trafficked road that forms part of a major transport corridor to Southampton City Centre and Southampton docks from the west. This application relates to an existing single storey purpose built industrial estate which is safeguarded for light industrial use under Local Plan Policy REI 11(xi). To the west is Holy Trinity Church and to the north and east the site is bordered by residential development.
- 1.2 The site comprises of nine separate units arranged in two blocks, with car parking and servicing areas adjacent to all units. The only vehicular access to the site is from Millbrook road at the southern end of the site.

2.0 Proposal

- 2.1 The applicant seeks to vary condition 08 of planning permission 4438/1580/W12 dated 24th March 1981 so that the servicing hours which relate to the units within the estate can be expanded to allow servicing to take place between the hours of 7am and 7pm. The proposal equates to an additional servicing hour at the beginning and end of the day as they can currently operate from 8am to 6pm. Furthermore the applicant seeks permission to enable servicing of the premises to occur on Sundays with restrictions for lorries and HGV's.
- 2.2 The purpose of the application is to enable the operators of the units to have greater flexibility of servicing and to help improve the potential occupancy of some of the units which are at present vacant.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 980192/WX - RELIEF OF CONDITION 2 OF PLANNING PERMISSION 4483/1631/W12 TO ALLOW USE OF THE PREMISES FOR LIGHT INDUSTRIAL BY OTHER USERS Conditionally Approved (1998)
- 4.2 1631/W12 (Unit 2) - CHANGE OF USE FROM INDUSTRIAL WITH ANCILLARY OFFICES TO LIGHT INDUSTRIAL WITH ANCILLARY RETAIL/WHOLESALE AND OFFICES – Conditionally Approved (1983)

- 4.3 1633/W32 – (Unit 1) - CHANGE OF USE TO LIGHT INDUSTRIAL WITH ANCILLARY RETAIL AND OFFICES PERSONAL Conditionally Approved (1983)
- 4.4 1580/W12/8 (4438/1580/W12) - CONSTRUCTION OF 9 INDUSTRIAL UNITS ACCESS ROAD AND CAR PARKING AREAS Conditionally Approved (1981)

Condition 08: No service vehicles shall attend the premises of servicing or the premises shall take place between the hours of 6.00pm and 8.00am on weekdays or Saturdays or at any time on Sundays or Bank Holidays.

Reason: to safeguard the amenity of neighbours residential properties

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (08/05/2013). At the time of writing the report 12 representations have been received from surrounding residents.

- Noise and disruption to residential amenity is the key concern.

5.2 **SCC Environmental Health (Pollution & Safety):** No objections. The national planning policy framework requires a balance to be struck between allowing business to flourish, yet to protect the local environment. All British Standards on noise recognise the day as starting at 07:00. The noise climate in this area will be reasonably high, due to the proximity of a noisy road, Millbrook Road. The additional noise from vehicles is unlikely to make a sufficiently high contribution to the noise levels in the area, hence my having no objection to the application.

6.0 Planning Consideration Key Issues

- 6.1 The key issue for consideration in the determination of this planning application is whether or not the proposal will lead to harm to neighbouring residential amenity caused by increased noise disturbance.
- 6.2 The Local Planning Authority acknowledges that light industrial uses include the research and development of products/processes and any industrial use that can be carried out adjacent to residential areas without detriment to the amenity of those areas by reason of noise, vibration, smell, fumes, smoke, soot, ash dust or grit (Policy RE111 refers).
- 6.3 The background noise level in the area is reasonably high due to the proximity of Millbrook Road. The additional noise from servicing vehicles and associated activity is unlikely to make a sufficiently high contribution to the noise levels in the area.
- 6.4 The application seeks permission to allow servicing to occur on Sundays however the applicant does not propose to have Lorries or HGV's attending on those days. Planning condition 05 is recommended to enforce the restriction to safeguard the amenities of neighbouring residents.
- 6.5 The additional hour proposed for servicing in the morning (7am rather than 8am) accords with the 'daytime' hours as set out by British Standards used by noise

experts when assessing potential noise impact.

- 6.6 The Councils Environmental Health Team have not objected to the extended hours.
- 6.7 The National Planning Policy Framework illustrates that planning should not be unduly onerous to local businesses and the wider economy. Planning Authorities should seek to create employment opportunities and prosperity, as such 'significant weight should be placed on the need to support economic growth through the planning system'.

7.0 Conclusion

- 7.1 Officers consider that the proposal will not be significantly discernable from within nearby residential properties due to the existing background noise level experienced within the area and the extended hours proposed.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1 (a), (b), (c), (d), 2 (b), (d), 6 (c), 7 (a), 9 (a), (b).

MP3 for 25/06/13 PROW Panel

PLANNING CONDITIONS

01 APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02 APPROVAL CONDITION Ancillary offices and wholesale counter (Performance condition)

The offices and retail /wholesale counter on site shall be ancillary to the light industrial use

REASON

For purposes of clarification and to define the consent.

03 APPROVAL CONDITION Car Parking (Performance Condition)

The six car parking spaces shown on the drawing received by the Local Planning Authority on 9 May 1983 shall be maintained for the exclusive use of staff and customers using unit 2.

The seven car parking spaces shown on the drawing received by the Local Planning Authority on 11 July 1983 shall be maintained for the exclusive use of staff and customers using unit 1.

REASON

In the interests of highway safety.

04 APPROVAL CONDITION Vehicle weight restriction (Performance Condition)

No vehicles exceeding 16 tons gross weight shall be used to service the premises unless otherwise agreed in writing by the Local Planning Authority.

REASON

To safeguard the amenities of neighbouring residential properties.

**05 APPROVAL CONDITION Servicing/delivery hours (Performance Condition)
[Amended]**

No service vehicles shall attend the premises or servicing of the premises shall take place between the hours of 7.00pm and 7.00am on weekdays or Saturdays and Sundays.

At no time shall Lorries or HGV's be used for servicing purposes on Sundays or bank holidays.

REASON

To safeguard the amenities of neighbouring residential properties.

06 APPROVAL CONDITION Servicing/delivery hours (Performance Condition)

The sites external areas, access ways, loading area and car parking shall not be used for manufacturing or maintenance purposes, for the installation of any ancillary plant or machinery, or the storage of any raw materials, finished or unfinished products or parts, creates, packing materials or waste without the prior written consent of the Local Planning Authority. These areas shall be kept clear at all times for access, circulation, car parking and servicing.

REASON

To ensure that adequate on-site parking and servicing facilities and to avoid congestion in the adjoining highway.

07 APPROVAL CONDITION Use restriction (Performance Condition)

The premises shall be used of light industrial purposes only and for no other purpose whatsoever, including any other purpose in the schedule to the Town and Country Planning (Use classes) Amendment Order 1991, (or in any equivalent provision in any statutory instrument revoking or re-enacting that order), Class B1.

REASON

To enable the Local Planning Authority to retain control; over the development in the interests of the amenities of the area.

POLICY CONTEXT

Core Strategy - (January 2010)

CS6 Economic Growth

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP16 Noise
REI11 Light Industry

Supplementary Planning Guidance

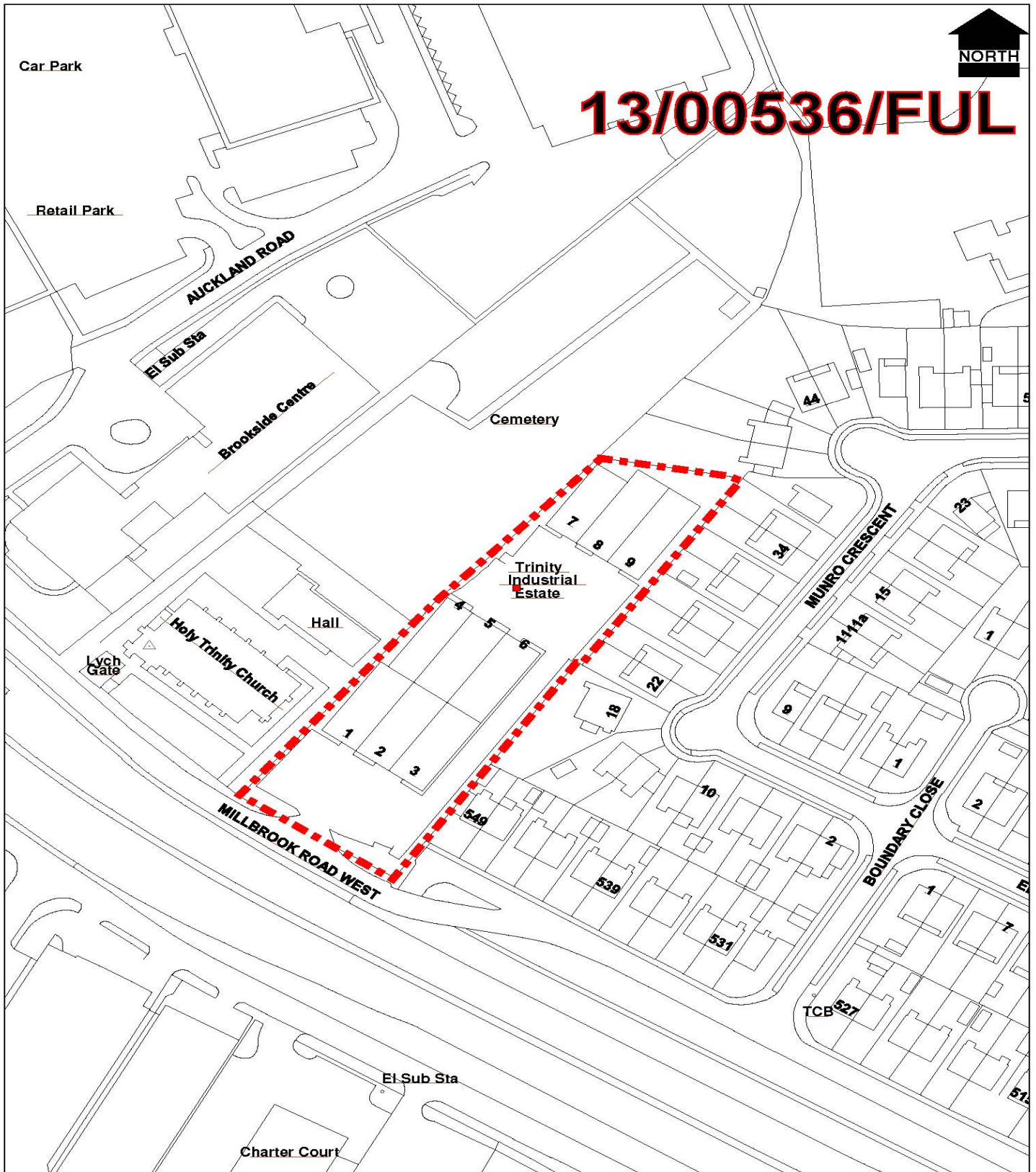
Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



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Scale : 1:1250

Date : 12 June 2013

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