

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 15th October 2013
Planning Application Report of the Planning and Development Manager

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| Application address: Unit Z, Willment Shipyard and Industrial Estate, Hazel Road | | | |
| Proposed development: Retrospective application to change the use from sui generis to B2/B8 for the storage and processing of fish. | | | |
| Application number | 13/01340/FUL | Application type | FUL |
| Case officer | Jenna Turner | Public speaking time | 5 minutes |
| Last date for determination: | 25.10.13 | Ward | Peartree |
| Reason for Panel Referral: | Request by Ward Member and five or more letters of objection have been received | Ward Councillors | Cllr Keogh Cllr Paffey Cllr Lewzey |

Applicant: Ocean Process - Hazel Rd

Agent: Knight Architectural Design

Recommendation Summary

Delegate to the Planning and Development Manager to refuse planning permission following receipt of revised ownership certificate.

Community Infrastructure Levy Liable

Not applicable

Reasons for Refusal

01. REFUSAL REASON - Impact on Residential Amenity

Notwithstanding the site's allocation for industrial uses in the adopted Local Plan, the use of the premises for the processing and storage of fish would have a harmful impact on the amenities of the occupiers of residential properties which lie to the east of the site. This is having regard to the noise and odour generated by the use which would detract from the enjoyment of nearby residential properties and gardens. In particular, the 24 hour noise from the compressor units is not adequately attenuated. Furthermore, in relation to odour, based upon the information provided, there are no effective measures in place for the storage and management of waste products from the premises which results in odour disturbance to nearby residential occupiers. The proposal would thereby prove contrary to the provisions of saved policies SDP1 (i) (iii), SDP7 (v) and SDP16 (i) of the adopted City of Southampton Local Plan Review (March 2006).

02. REFUSAL REASON – Impact on Ecology

Based on the information submitted, it is has not been demonstrated that the proposal would not have a harmful impact on the adjacent Lee-on-the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI) and the Solent and Southampton Water Special Protection Area and Ramsar site, particularly with regards to contamination risks from the use. As such, the proposal would prove contrary to the provisions of policy CS22 of the Southampton Core Strategy 2010 and saved policies NE1, NE2 and NE4 of the City of Southampton Local Plan Review (March 2006).

| Appendix attached | | | |
|--------------------------|---------------------------|---|-------------------------------|
| 1 | Development Plan Policies | 2 | Environmental Health Response |

Recommendation in Full

1. Refuse planning permission for the development for the reasons as outlined above, following receipt of a revised ownership certificate, and the expiration of the 21 day notification period.

2. Delegate to the Planning and Development Manager to proceed with enforcement proceedings to cease the use of the site for the storage and processing of fish.

1. The site and its context

1.1 The application site contains a warehouse building at the northernmost end of Willment Shipyard and on the eastern bank of the River Itchen. There is an existing service yard to the side and rear of the building on site and immediately adjacent to the eastern site boundary is the Southampton-Portsmouth railway line. The site is neighboured by a building suppliers to the south and an area of open space to the north. Beyond the railway line are residential properties and gardens on Braeside Road and Gainsford Road.

2. Proposal

2.1 The application seeks retrospective planning permission for the use of the premises for the storage and processing of fish which includes the cleaning, sorting and cooking of shellfish. The application submission sets out that the use employs approximately 10 members of staff and receives approximately 3 deliveries of fish a week by articulated lorry. Deliveries would typically occur between 09:00 and 12:00 and the processing between 07:30 and 17:30 daily but it is proposed that the unit would operate 24 hours a day.

3. 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 site is safeguarded by saved Local Plan Policy RE110 (xviii) for B1c (Light Industry), B2 (General Industry) and B8 (storage and distribution) uses. Water-related uses are encouraged for this part of the industrial estate. The site lies within an area of low accessibility for public transport.

- 3.3 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. Relevant Planning History

- 4.1 Planning permission was granted in 1968 for the erection of Unit Z as a warehouse building subject to conditions, including, that it only be used for storage purposes requiring access to the water (LPA reference 419/1359/69). In 1980 permission was granted for the use of the site by a freight forwarding company, personal to the applicant of the site only. Subsequently, in 1997, planning permission was granted for the change of use to general industry (Use Class B2) for the manufacture of products associated with the internal fitting out of high-speed ferries. This planning permission was also subject to conditions which included the soundproofing of all plant and machinery.
- 4.2 More recently in 2008, permission was granted to the use of the site for the storage and sorting of electrical equipment (reference 07/01735/FUL). The planning permission was restricted by condition specifically to that use and did not permit any other waste storage to take place from the site without further planning permission. Hours of operation of the use were restricted to between 08:00 and 18:00 Mondays to Fridays and 08:00 and 13:00 hours on Saturdays. A condition was also imposed to prevent the open storage of waste.

5. 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 (03.09.13). At the time of writing the report **44** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 ***The strong odour from the premises has a harmful impact of the enjoyment of the nearby houses and gardens***
- 5.3 **Response**
Agree. Please refer to section 6 of this report.
- 5.4 ***The continuous noise from the plant and equipment on site is causing disturbance to the occupants of nearby residential properties.***
- 5.5 **Response**
Agree. Please refer to section 6 of this report.

Consultation Responses

- 5.6 **SCC Highways** - No objection. The site is located within an industrial area and benefits from adequate on-site parking and turning facilities. The nature of the trips will be similar to the previous use and the surrounding uses.

- 5.7 **SCC Environmental Health (Pollution & Safety)** - Objects on the basis of noise and odour issues not being satisfactorily addressed. Please see the full response attached at **Appendix 2**.
- 5.8 **SCC Ecology** – Objects. The site is adjacent to designated coastal habitat sites. The application makes reference to the use of sea water for first stage cleaning and no information has been provided regarding how impacts on the designated sites are avoided in this process.
- 5.9 **Southern Water** – No objection. It is recommended that the decision notices provides a note to applicant to make them aware of the requirement to make a formal application for connection to the public sewerage system and the consents needed to discharge to the public sewer.
- 5.10 **Environment Agency** - No objection or conditions suggested

6. Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- (i) The principle of development;
 - (ii) The impact on residential amenity in terms of noise and odour;
 - (iii) The impact on ecology and;
 - (iv) Parking and highways.
- 6.2 Principle of Development
- 6.2.1 Policy CS6 of the Core Strategy supports the retention of employment generating uses and saved Local Plan policy REI10 supports industrial uses in this location. The site lies within an identified industrial area and is neighboured by other industrial and storage uses. The principle of the proposal is therefore acceptable.
- 6.3 Impact on Residential Amenity
- 6.3.2 The application submission is not accompanied by specialist noise or odour reports. Based on site visits to the premises and the observations of the Council's Environmental Health Team, it is considered that the key noise issue on site relates to the compressors which are located within a blockwork structure to the rear of the existing warehouse. These compressors serve the blast freezer and cold store within the main warehouse and therefore operate 24 hours a day and intermittently kick in with a greater intensity sound. The application submission sets out that works have been carried out to introduce sound baffling to the compressor housing. However, these works do not appear to have taken place and, from officers' site visits to the premises, it is clear that the compressors are not fully enclosed, meaning that the effects of any attenuation measures that may have been installed is negated. Therefore, in the absence of any acceptable proposals to introduce effective noise attenuation measures, it is considered that the use generates noise disturbance to the nearby residential occupiers, particularly during the night when background noise levels are lower.
- 6.3.3 The main source of detectable odour from the site is from the rear service yard and a drainage outlet to the west side of the building. In particular, waste sacks tend to be stored in the external un-sealed yard to the rear of the building. This has resulted in a strong odour from the site, particularly in the summer months. It

is not clear from the application submission that measures can be put in place to manage waste from the premises to ensure that the use can continue to function without causing disruption to nearby residents.

6.4 Ecology

6.4.1 The application site lies adjacent to a section of the Lee-on-the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI) and the Solent and Southampton Water Special Protection Area and Ramsar site. These sites are designated for a range of coastal habitats, including inter-tidal mudflats which lie adjacent to Unit Z, and significant populations of over wintering migratory water fowl. The application makes reference to sea water being used for initial cleaning and there is evidence on site of waste water being discharge from the unit to the river bank. The risks of contamination from the unit to the inter-tidal habitat have not been addressed in the application and as such, it is not clear that the proposal would not have a harmful impact on the internationally important habitat.

6.5 Parking and Highways

6.5.1 The adopted Parking Standards Supplementary Planning Document permits a maximum of 14 car parking to serve a unit of this size. The provision of 4 spaces for staff is in accordance with this standard and there is space on site for the turning of larger vehicles. Moreover, the number and type of trips associated with the development is suited to the industrial estate location of the site and similar to what previously existed on the site. As such, the proposal is acceptable in this respect.

7. Summary

7.1 Whilst, the principle of development is acceptable, the application submission does not propose any effective measures to mitigate the impact on local residents in terms of noise and odour disturbance. As such, it is considered that the subsequent harm to residential amenity justifies the refusal of planning permission and the use of planning conditions would not adequately mitigate harm in this instance.

8. Conclusion

8.1 For the reason set out above, it is considered that the proposal would be harmful in terms of residential amenity and ecology and should, therefore, be refused planning permission.

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

[1. (a) (b) (c) (d), 2 (d) 5 6 (i) 7 (a)]

JT for 15/10/13 PROW Panel

