

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 17th January 2012
Planning Application Report of the Planning and Development Manager

Application address: Former Dillons Garden Sheds site, Old Redbridge Road			
Proposed development: Part retrospective change of use from previous use for manufacture and sale of timber sheds to use for painting contractors premises, vehicle repair and MOT Testing and storage purposes together with the retention of 3m high close boarded fencing to the eastern site boundary and siting of a portable building (resubmission of 11/00199/FUL).			
Application number	11/01506/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	5 minutes
Last date for determination:	14.11.11	Ward	Redbridge
Reason for Panel Referral:	Referred by the Planning and Development Management	Ward Councillors	Cllr McEwing Cllr Holmes Cllr Pope

Applicant: John Rooker and Anthony Frost	Agent: Alan Sayle - Paris Smith LLP
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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 and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 17.01.12 do not have sufficient weight to justify a refusal of the application. With the removal of the use of unit 3 for the storage and sorting of recycled materials, the proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP16, and T12 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS6, CS7, CS13, CS19 and CS23 and the Council’s current adopted Supplementary Planning Guidance.

Appendix attached			
1	Previous Panel report and meeting minute.	2	Relevant Planning Policy
3	Relevant Planning History		

Recommendation in Full

Conditionally approve

1. Background

- 1.1 This application is a resubmission of planning application 11/00199/FUL which was refused planning permission by the Planning and Rights of Way Panel on the 19th July 2011. A copy of the previous report to panel and the minute from the meeting is included in **Appendix 1** of this report.
- 1.2 In refusing application 11/00199/FUL the Council recognised that some of the units on the site could be acceptable in planning terms subject to the receipt of a satisfactory noise report and the imposition of planning conditions to control and manage the impact of the site. As such, the decision included a requirement for a further planning application in respect to units 2, 4, 5, 6, 7, 8, and 9 accompanied by a noise report, be submitted within two months of the date of the decision. This application has been submitted to address this requirement.
- 1.3 The previous refusal found the current operators of unit 3 (TJM Recyclers) to be unacceptable in terms of both highway safety and the impact on the amenities of local residents. Enforcement proceedings are underway to require the cessation of the use of unit 3 for the storage and sorting of recyclable materials within one month of the Enforcement Notice being served. A verbal update will be provided regarding this at the panel meeting. The current planning application proposes an alternative storage use for unit 3.
- 1.4 In considering the previous application, the Council also found that the operations in units 1, 4, and 10 were acceptable and it was resolved to not take enforcement action in relation to these units.

2. The site and its context

- 2.1 The site and its context are as set out in the previous report to panel attached at **Appendix 1**

3. Proposal

- 3.1 Retrospective planning permission is sought for the following current uses which are operating from the site:
- Unit 1: Office accommodation for painting contractors (Use Class B1)
 - Unit 2: Vehicle repairs and MOT testing (Use Class B2)
 - Units 4 and 5: Storage of site equipment (Use Class B8)
 - Units 7 and 8: Open storage of scrap metal (Use Class B8)
 - Units 9 storage of scaffolding equipment (Use Class B8)
 - Unit 10 storage of commercial vehicles (Use Class B8)
- 3.2 As unit 6 is currently vacant and unit 3 is due to become vacant, it is also proposed that these units be used for general storage purposes (Use Class B8).
- 3.3 The application is accompanied by a noise report, an operational management plan and a transport statement.
- 3.4 The application includes the addition of a portakabin within unit 9 and the retention of a 3 metre high close boarded boundary fence along the south-eastern site boundary.
- 3.5 It is also proposed to lay out 20 car parking spaces and provide on site turning for vehicles that use the site.

4.0 Relevant Planning Policy

- 4.1 The policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not

considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

- 4.2 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 2**. The site is not allocated for a specific use in the development plan but the Council's usual requirements in respect of protecting residential amenity and highway safety, whilst protecting employment uses as required by policies CS6, SDP1, SDP16 and TI2 are directly relevant.

5.0 Relevant Planning History

- 5.1 The planning history of the site is set out at **Appendix 3**. The previous application for the use of the site for a range of commercial activities was refused planning permission for the impact that the development had on the amenities of the local residents and the impact on highway safety. In particular, the objections received from local residents, the Council's Highway Officer and the Environmental Health Team pinpointed the use of unit 3 for the storage and sorting of recycled materials as being the source of the issues for the site. This impact was reflected in the reasons for refusal and subsequent enforcement proceedings.
- 5.2 The previous reasons for refusal also found that the application submission had not suitably demonstrated that units 2, 4, 5, 6, 7, 8, and 9 on the site could operate without having a harmful impact on residential amenity or highway safety. In particular, a noise report had not been submitted with the application and there were no planning mechanisms in place to control and manage the impacts that these uses may have on the surrounding area.

6.0 Consultation Responses and Notification Representations

- 6.1 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 (13.10.11). At the time of writing the report **3** representations including a representation made by the Redbridge Residents Association have been received from surrounding residents. The following is a summary of the points raised:
- 6.2 ***Unit 3 continues to be used for the storage and sorting of recyclable materials. The vehicle movements and noise associated with this is harmful to nearby residents.***
- 6.3 **Response**
The issues relating to the current use of unit 3 are recognised and Enforcement Action is being taken to require the cessation of this use.
- 6.4 ***The development creates noise to surrounding residents including that generated by vehicles associated with the site on Redbridge Lane.***
- 6.5 **Response**
The submitted noise report demonstrates that the proposed uses would not generate undue levels of noise and the Council's Environmental Health Team agrees with the findings of this report. Conditions are suggested to control the hours of operation and delivery times and the overall management of the site to minimise the impact of the uses on residential amenity.
- 6.6 **SCC Highways** – No objection. Any further comments will be reported verbally at the meeting.
- 6.7 **SCC Environmental Health (Pollution & Safety)** - No objection.

- 6.8 **SCC Environmental Health (Contaminated Land)** - No objection or conditions suggested
- 6.9 **Southern Water** – No objection. Suggests a note to applicant to make aware of the need for a formal application to make a new connection to the public sewerage system.

7.0 Planning Consideration Key Issues

- 7.1 The application needs to be assessed having regard to the planning history of the site and the following key issues:
- i. The principle of development;
 - ii. The impact on the character of the area;
 - iii. The impact on the amenities of neighbours of the site in terms of noise and disturbance and;
 - iv. Parking and highways.
- 7.2 Principle of Development
- 7.2.1 As set out in the previous report to panel, the principle of retaining the proposed employment uses on a site which has historically been used for commercial purposes is acceptable. Furthermore, the previous reasons for refusal do not preclude the site from being used for commercial purposes.
- 7.3 Character of the area
- 7.3.1 The physical changes to the site include the retention of a 3 metre high boundary treatment to the south-western boundary of the site and the erection of a portakabin within unit 7. These aspects of the proposal are considered to have a minimal impact on the character of the area and were not considered to represent a reason to refuse planning permission in the determination of the previous application.
- 7.3.2 The areas of open storage also need to be carefully considered in terms of the impact that they may have on the visual amenity of the area. Planning records indicate that the previous use of the site as Dillons Gardens Sheds also involved large areas of open storage which had a similar impact to the areas of open storage now proposed. A management plan submitted with the application recommends a height restriction for stored materials and a condition is recommended to secure this. In addition to this, the use of a condition which restricts storage from taking place outside of the defined areas of the units would help to minimise the impact that the development would have on the character of the area.
- 7.4 Residential Amenity
- 7.4.1 In refusing the previous application it was found that the intensity of operations associated with unit 3 together with the type of activity within this unit, was resulting in undue noise and disturbance to the neighbouring residents. As such, the cessation of the use of unit 3 for the storage and sorting of recyclable materials will significantly reduce the impact that the site has on the surrounding area.
- 7.4.2 At the previous planning and rights of way panel meeting, the agent for the applicant advised that the current occupiers of unit 3 had been given notice to leave and that this unit would cease operations. A further deadline of Christmas 2011 was later given by the applicants. In the interim period, contact has been made with the Council's Economic Development Team to ascertain whether suitable alternative accommodation could be found for the current tenants of unit 3. As such, the Council has acted fairly and reasonably and measures are now in place to resolve the issues associated with this nuisance neighbour.
- 7.4.3 The submitted noise report demonstrates that the units proposed to be retained are operating within acceptable noise parameters and recommends that a

management plan is put in place to minimise disturbance to surrounding residential uses. The Council's Pollution and Safety team have reviewed this information and are now satisfied that the use of planning conditions can adequately control the retained and proposed uses on the site. As well as restricting the hours of operation, it is also considered necessary to impose conditions to restrict the use of forklifts trucks on the site and to prevent the processing and sorting of materials within the site. This should ensure that the nature of uses change in the future, the site would not generate harmful impacts on local residents.

- 7.4.4 In addition to this, it is also recommended to impose conditions to restrict the height that goods can be stored up to and to prevent storage from occurring within access routes, parking areas or storage areas. Such conditions will contribute to managing the amount of storage that can take place on the site and thereby manage the intensity of operations at the site.
- 7.4.5 It is important to note that the previous and lawful use of the site for the manufacture, storage and sale of timber sheds was unrestricted by planning conditions and so the current proposal allows the Local Planning Authority to introduce control over the operations of the site in the interests of residential and visual amenity.
- 7.4.6 It is therefore considered that the previous reason for refusal in respect of residential amenity has been addressed the removal of the use associated with unit 3 as proposed by the current application submission.
- 7.5 Parking and Highways
- 7.5.1 The previous reason for refusal which related to highway safety specifically referred to the impact of the level of HGV traffic generated by the site, on the highway safety of Old Redbridge Lane. The reason for refusal also refers to the lack of on-site turning facilities for vehicles using the site.
- 7.5.2 In the assessment of the previous application, it was found that a significant proportion of the HGV movements to and from the site were linked to the operations of TJM recyclers from unit 3. The submitted transport information demonstrates that the remaining and proposed uses would generate significantly less HGV traffic and, as such, Highways have raised no objection to the application.
- 7.5.3 In addition to this, in refusing the last application it was found that the operations within unit 3 were overspilling onto the parking and access routes within the site and onto the adjacent public highway. The application submission demonstrates that sufficient on-site parking and an adequate turning area can be provided on the site and a planning condition is recommended to ensure that these areas are laid out and made available for use at all times in accordance with the submitted information.

8.0 Summary

- 8.1 It is considered that the current application submission has adequately demonstrated that the previous reasons for refusal have been overcome. The proposal to retain an employment use on the site is acceptable.

8.0 Conclusion

- 8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

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

1. (a) (b) (c) (d), 2 (b) (c) (d), 7 (a) (v) (w)

JT for 17/01/12 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 - Specified Uses [performance condition]

The site shall only be used for the following specified uses:

Unit 1: Office accommodation (Use Class B1)

Unit 2: Vehicle repairs and MOT testing (Use Class B2)

Units 3, 4, 5, 6, 7, 8, 9, 10: General Storage purposes (Use Class B8)

Unit 2 shall not be used for any other purpose whatsoever, including any other purpose in Class B2 of 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).

Reason:

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

03. APPROVAL CONDITION - Specified Hours of Use and Deliveries [performance condition]

Unless the Local Planning Authority agree otherwise in writing the premises to which this permission relates shall not be open for business outside the hours 8am to 6pm Monday to Friday, 9am to 1pm Saturday and at no time on Sundays or recognised Bank Holidays. In addition to this, no deliveries or vehicle movements into or out of the site shall take place outside of the hours specified above.

Reason:

To protect the amenities of surrounding areas.

04. APPROVAL CONDITION Adequate Car Parking Facilities [performance condition]

The car parking facilities as shown on the plans hereby approved shall be provided in accordance with the submitted details within one month of the date of this consent and be thereafter retained and made available for that purpose.

Reason:

To prevent obstruction to traffic in neighbouring roads.

05. APPROVAL CONDITION - Adequate Turning Space [performance condition]

The turning space within the site as shown on the approved plans to enable vehicles to

enter and leave in a forward gear shall be provided in accordance with the plans hereby approved within one month of the date of this consent and thereafter be retained and kept clear and made available for that purposes at all times.

Reason:

In the interests of highway safety.

06. APPROVAL CONDITION – Storage Restriction [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the maximum height of stored or stacked materials from ground level shall not exceed 2.5 metres.

Reason:

In the interests of the visual amenity of the area.

07. APPROVAL CONDITION - No processing of materials [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the site shall not be used for the processing of stored materials including the breaking or crushing of materials or the burning of any materials.

Reason:

To protect the amenities of occupiers of nearby properties.

08. APPROVAL CONDITION - Means of Enclosure [performance condition]

The boundary treatment enclosing the site shall be retained in accordance with the details hereby approved.

Reason:

In the interests of the visual amenities of the area and to protect the amenities and privacy of occupiers of neighbouring properties.

09. APPROVAL CONDITION – Storage Restriction [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, no materials shall be stored outside of the unit areas as shown on drawing number 1207/10_01 hereby approved. For the avoidance of doubt, the parking, turning and access routes shall be kept clear from storage.

Reason:

To secure a satisfactory form of development

10. APPROVAL CONDITION – Restriction of use of Fork Lift Trucks [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, no fork lift trucks shall be used on the site.

Reason:

In the interests of the amenities of the neighbouring residential occupiers.

11. APPROVAL CONDITION – Use of Unit 2 [performance condition]

Unless otherwise agreed otherwise in writing by the Local Planning Authority, the car repairs and MOT testing carried out from Unit 2 shall only take place within the building itself and not on the forecourt of the premises.

Reason:

In the interests of the amenities of the neighbouring residential occupiers.

12. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

Minute from Planning and Rights of Way Panel 19.07.11

28. DILLONS SHEDS, OLD REDBRIDGE ROAD 11/00199/FUL

Retrospective change of use from previous use for manufacture and sale of timber sheds to use for painting contractors premises, vehicle repair and MOT testing, storage of recycled materials, storage and manufacture of sheet metal acoustic panels, storage of scaffolding equipment, general open storage and car parking area, retention of 3m high fencing and proposed siting of portable building.

Mr Sayle (Agent) and Mrs Toner (Local resident) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO REFUSE RETROSPECTIVE CHANGE OF USE AND DELEGATE AUTHORITY TO SERVE AN ENFORCEMENT NOTICE (TO UNITS 1 AND 10 ONLY) WAS CARRIED UNANIMOUSLY

RESOLVED that retrospective planning permission for change of use of the premises be refused for the reasons set out below:

(i) that Authority be delegated to the Head of Legal and Democratic Services to:

(a) Upon receipt of an adopted screen opinion from the Planning and Development Manager to serve an Enforcement Notice, requiring the cessation of the unauthorised use of Unit 3 of the former Dillons Shed site. Should the unauthorised use not cease, that authority be given to prosecute such a breach of control, via the Magistrates Court;
(b) Unless a valid planning application accompanied by a noise report is submitted to the Local Planning Authority within two months of the date of this decision, to serve Enforcement Notices, requiring the cessation of the unauthorised use at Units 2, 4, 5, 6, 7, 8, and 9 of the former Dillons Shed site. Should the unauthorised use not cease, that authority be given to prosecute such a breach of control, via the Magistrates Court; and

(ii) that no enforcement action be taken in respect of the uses in Units 1 and 10 at the current levels of activity.

REASONS FOR REFUSAL

1- Impact on Residential Amenity

The proposed development by reason of the intensification of the use and level and type of activity (including associated HGV movements) creates noise and disturbance which is harmful to the amenities of occupiers of the neighbouring residential properties. This is having regard to the close physical relationship of the site to the residential neighbours and the cumulative impact of the uses on residential amenity. In particular in the absence of a noise report to the contrary, units 2, 3, 4, 5, 6, 7, 8 and 9 shown on the submitted site plan are considered to represent an unneighbourly form of use for this location. As such, the proposal would prove contrary to the provisions of saved policies SDP1 and SDP16 of the City of Southampton Local Plan Review (adopted version March 2006).

2 -Highway Safety

The increase in HGV movements associated with the proposal would be harmful to the safety and convenience of the users of the adjacent highway. This is having regard to the

residential nature of the surrounding streets and the traffic calming measures in place. The proposal would increase pressure on nearby junctions including the Redbridge roundabout and result in an increase risk of vehicle conflict. In addition to this, the proposal is not designed with adequate on-site turning for HGV which could lead to further harm to the safety and convenience of the users of the adjacent highway and within the site itself. As such the proposal is contrary to policies CS19 of the Southampton Local Development Framework Core Strategy Development Plan Document (January 2010) and saved policies SDP1, SDP4 and TI2 of the City of Southampton Local Plan Review (adopted version March 2006).

3 - Insufficient Information

In the absence of a noise report, the Local Planning Authority is not satisfied that the uses operating from units 2, 3, 4, 5, 6, 7, 8, and 9 do not cause harm to the amenities of the occupiers of the neighbouring residential properties through noise and disturbance. As such the proposal would prove contrary to the provisions of saved policies SDP1 and SDP16 of the City of Southampton Local Plan Review (adopted version March 2006).

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 19th July 2011
Planning Application Report of the Planning and Development Manager**

Application address: Dillons Garden Sheds Ltd, Old Redbridge Road			
Proposed development: Retrospective change of use from previous use for manufacture and sale of timber sheds to use for painting contractors premises, vehicle repair and MOT testing, storage of recycled materials, storage and manufacture of sheet metal acoustic panels, storage of scaffolding equipment, general open storage and car parking area, retention of 3m high fencing and proposed siting of portable building.			
Application number	11/00199/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	5 minutes
Last date for determination:	07.06.11	Ward	Redbridge
Reason for Panel Referral:	Referred by the Planning and Development Manager	Ward Councillors	Cllr Holmes Cllr McEwing Cllr Pope

Applicant: Mr Rooker And Frost	Agent: Paris Smith Llp (Alan Sayle)
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Recommendation Summary	<ol style="list-style-type: none"> 1. Refuse 2. Delegate to the Planning and Development Manager to authorise the service of an Enforcement Notice
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Reasons for Refusing Planning Permission

REFUSAL REASON – Impact on Residential Amenity

The proposed development by reason of the intensification of the use and level and type of activity (including associated HGV movements) creates noise and disturbance which is harmful to the amenities of occupiers of the neighbouring residential properties. This is having regard to the close physical relationship of the site to the residential neighbours and the cumulative impact of the uses on residential amenity. In particular in the absence of a noise report to the contrary, units 2, 3, 6, 7, 8 and 9 shown on the submitted site plan are considered to represent an unneighbourly form of use for this location. As such, the proposal would prove contrary to the provisions of saved policies SDP1 and SDP16 of the City of Southampton Local Plan Review (adopted version March 2006).

REFUSAL REASON – Highway Safety

The increase in HGV movements associated with the proposal would be harmful to the safety and convenience of the users of the adjacent highway. This is having regard to the

residential nature of the surrounding streets and the traffic calming measures in place. The proposal would increase pressure on nearby junctions including the Redbridge roundabout and result in an increase risk of vehicle conflict. In addition to this, the proposal is not designed with adequate on-site turning for HGV which could lead to further harm to the safety and convenience of the users of the adjacent highway and within the site itself. As such the proposal is contrary to policies CS19 of the Southampton Local Development Framework Core Strategy Development Plan Document (January 2010) and saved policies SDP1, SDP4 and TI2 of the City of Southampton Local Plan Review (adopted version March 2006).

Appendix attached			
1	Site plan of uses	2	Development Plan Policies
3	Planning History		

Recommendation in Full

1. That the application be refused for the two reasons set out above and;
2. Delegate to the Planning and Development Manager to serve an Enforcement Notice, requiring the cessation of the unauthorised uses of the former Dillons Shed site to cease with the exception of units 1, 4, 5 and 10. Should that unauthorised use not cease, that authority be given to prosecute such a breach of control via the Magistrates Court.

1. Background

- 1.1 Until 2009 the application site was used for the manufacture, storage and sales of garden sheds. This was a Sui Generis use which means the mixture of use did not fall comfortably into a specific Use Class and planning permission is therefore needed for any subsequent material change of use.
- 1.2 Following the site being vacated by Dillons Sheds Ltd, the site was then let out to five different businesses. Since these uses have not operated from the site for a period of 10 or more years, a lawful use certificate cannot be obtained. Following the receipt of complaints regarding the new uses operating from the site, the Council served a Planning Contravention Notice (26.02.10) on the site owners and on receipt of the response to the notice, invited a planning application to be submitted to regularise the new uses. This planning permission therefore seeks to regularise the existing uses operating from the site.

2. The site and its context

- 2.1 The application site is an irregular piece of land which is accessed from Old Redbridge Road. The Redbridge Road frontage is bounded by 2 metre high palisade fencing. The site itself contains two buildings, a single-storey pitched roof building adjacent to the north-east boundary, and a large single-storey warehouse building adjacent to the southern site boundary.
- 2.2 The companies which are currently operating from the site are diverse in nature and in planning terms are a mixture of Use Class B1 (offices), Use Class B2 (General Industrial) and Use Class B8 (Storage and Distribution).
- 2.3 To the north-west of the site lies the Redbridge Causeway flyover and adjacent to the southern site boundary is the main railway line, with the River Test beyond this. The site lies within flood zone 2. The site is also neighboured by residential

properties and the surrounding area is predominantly residential in character.

3. Proposal

3.1 Retrospective planning permission is sought for the current uses which are operating from the site which are listed as follows:

- Unit 1: Office accommodation for contractors (Use Class B1);
- Unit 2: MOT testing and Vehicle Repairs (Use Class B2);
- Unit 3: TJM Recyclers for the sorting and storage of recyclable materials;
- Units 4 -5: Storage of site equipment
- Unit 6: Manufacturing and storage of acoustic panels (Use Class B2/B8);
- Unit 7 & 8: Storage of Scrap Metal (Use Class B8);
- Unit 9: JPS Scaffolding for the storage of scaffolding (Use Class B8) and;
- Unit 10: Storage of commercial vehicles.

The locations of the uses on the site are shown on the layout plan in **Appendix 1** of this report. Units 1 and 2 are contained within a single-storey building which lies to the north-east of the site. Unit 3 is located adjacent to the south-east corner of the site and includes a yard and an open-sided structure. Units 4 to 6 are contained within the large warehouse building adjacent to the southern boundary. The other storage uses take place in the open.

3.2 The application states that a total of 26 car parking spaces can be provided on site although these spaces are not formally laid out on site.

3.3 A total of 10 people are employed at the site and the hours of operation are 07:30 to 18:00 Monday to Friday and 07:30 to 13:00 on Saturdays.

3.4 The application also seeks retrospective planning permission for 3 metre high close boarded fencing which has been erected along the south-eastern site boundary which abuts Tate Court.

3.5 The proposal also involves the addition of a portakabin within the Unit 9 area.

4. Relevant Planning Policy

4.1 The policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

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 2**. The site is not allocated for a specific use in the development plan but the Council's usual requirements in respect of protecting residential amenity and highway safety as required by policies SDP1, SDP16 and TI2 are directly relevant.

5. Relevant Planning History

- 5.1 The planning history of the site is set out at **Appendix 3**. The site has historically been used for commercial activities, although the exact planning uses are not clear, it is considered that general and light industrial type uses have operated from the site in the past.

6. Consultation Responses and Notification Representations

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (18.04.11). At the time of writing the report **8** representations have been received from surrounding residents. The following is a summary of the points raised:

- 6.2 ***Unit 3 which is operated for the storage of recycled materials, also carries out the processing of the materials which creates noise and disturbance to the nearby residential properties and gardens.***

Response

It is clear from the site visits carried out by both the Planning and Environmental Health Team that the recycling company operating from unit 3 on the site also processes the recycled materials on site and is therefore operating as a waste transfer station. The activity associated with this takes place in the open and therefore is generating noise and disturbance to neighbouring residential properties.

- 6.3 ***The noise generated by the current users of the site is greatly in excess of the impact from the previous occupiers (Dillons Sheds).***

Response

Agree. This is discussed in more detail in the planning consideration section below.

- 6.4 ***The speed humps in Old Redbridge Road exacerbates the noise of vehicles as they travel to the site.***

Response

Agree in part. This is discussed in more detail in the Planning Consideration section below.

- 6.5 ***The business currently operates outside of the hours indicated in the planning application.***

Response

As the development is unauthorised, there are currently no planning controls over the hours of operation and if the recommendation to refuse is supported, the uses would need to be addressed through the appropriate enforcement channels.

- 6.6 ***The businesses are generating additional parking and storage of materials on the adjacent public highway which is causing highway safety issues***

Response

Agree. This is a symptom that the proposal represents an over-intensive use of the site.

- 6.7 ***The site is too small to accommodate the number of uses proposed and this disturbs residential neighbours.***

Response

Agree. It appears that the current portfolio of uses are too intensive for the site.

This is discussed in more detail in the Planning Considerations section below.

6.8 ***The condition of the site has an adverse visual impact on the area.***

Response

The visual appearance of the site is reflective of its commercial nature and having regard to the historic commercial nature of the site, on balance is considered to be acceptable.

6.9 **Consultation Responses**

6.10 **SCC Highways** - Objects. The number of HGV trips associated with the site is significantly greater than the previous use. Old Redbridge Road being a traffic-calmed residential street is unsuitable for these vehicles and furthermore the proposal would result in increased pressure on nearby junctions, creating an increased risk of conflict.

6.11 **SCC Environmental Health (Pollution & Safety)** - Objects. Raises concerns with units 2, 3, 6 and 9 particularly in the absence of an acoustic report.

6.12 **Southern Water** - No objection. Suggests a note to applicant to advise of the application requirement for connection to the public sewerage system.

6.0 **Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:

- v. The principle of development;
- vi. The impact on the character of the area;
- vii. The impact on the amenities of neighbours of the site in terms of noise and disturbance and;
- viii. Parking and highways.

6.2 **Principle of Development**

6.2.1 The site is not allocated for a specific use within the development plan; however the principle of retaining employment uses on this previously developed site which has been historically used for commercial purposes, is acceptable. Furthermore, the previous refusal of residential development on this site indicates that the site is not necessarily suitable for non-commercial use.

6.2.2 The site lies within an area of high flood risk; however, the proposed uses are not defined as 'sensitive' to a flood event. Furthermore, since no external changes or alterations are proposed the development would not increase the likelihood of a flood event occurring and the proposal accords with Core Strategy policy CS20.

6.3 **Character of the area**

6.3.1 The surrounding area is predominantly residential in nature and in visual terms, the proposed uses are not necessarily sympathetic to a residential environment. The proposed uses on the site involve open storage, a large amount of which is visible from Old Redbridge Road. However, the site has been historically used for commercial purposes and photographs on the planning file indicate that large areas of the site were also used for open storage. On balance therefore, it is considered from a character and appearance perspective, the retention of some form of commercial development is acceptable in principle.

- 6.3.2 The additional fencing which has been erected is not readily visible from public vantage points and goes some way in screening the site from its residential neighbours. As such, the proposed fencing is considered to be acceptable from a character and design perspective.
- 6.4 Residential Amenity
- 6.4.1 The proposed portakabin would be located away from boundaries with residential neighbours and as such would not have a significant impact on residential amenity. Whilst the 3 metre high fencing does create a sense of enclosure to the occupants of Tate Court beyond the south-eastern site boundary, this impact is considerably less than the shed which was previously located immediately adjacent to this boundary. As such, the fencing is considered acceptable from a residential amenity perspective.
- 6.4.2 The central issue in the consideration of the proposal's impact on residential amenity is whether the noise and activity associated with the proposed uses causes harm to the nearby residential occupiers. This impact needs to be balanced against the previous use of the site which involved the manufacture of sheds within the large warehouse building, the storage of sheds in the open yard areas and retail sales, which took place in the single storey building towards the front of the site. Based upon the letters of objection received and the officers' visits to the site, there is clearly variation in the degree of impact from the respective uses and so each use is discussed in turn below.
- 6.4.3 In addition to this however, the cumulative impact of the uses also needs to be taken into consideration. The site has been divided into a number of separate planning units which operate independently of each other. When compared with the previous single operator of the site, the site is therefore used more intensively. The site cannot therefore, be managed to locate activities where they could minimise disturbance to residential occupiers. For example, when used by Dillons Ltd, the manufacturing use, which is the potentially noisy element of the operation, was confined to the warehouse building. It is therefore, considered that the level of intensity associated with the proposal is excessive, and this is clear by the manner in which the activities of individual uses are spilling onto access and parking areas within the site leading to subsequent over-spill parking of vehicles onto the surrounding public highway land.
- 6.4.4 **Unit 1 Office accommodation**
This unit is used as offices which do not provide a direct service to the general public. It is considered that such a use does not generate undue noise and disturbance and would not therefore have a harmful impact on residential amenity.
- 6.4.5 **Unit 2 MOT testing and Vehicle Repairs**
The workshop bay associated with this unit lies in close proximity to the boundary with 49 Old Redbridge Lane which is a two-storey block of flats. This building has windows serving habitable rooms which directly face onto the application site and are within close proximity of the site boundary (between 2 and 4 metres). As such, this use has the potential to have a harmful impact on residential amenity. The application is not accompanied by a noise report to demonstrate that the use is acceptable from a noise perspective and in the absence of this information, and based on their own observations, Environmental Health officers are not satisfied that this use is acceptable.

6.4.6 **Unit 3 Storage and sorting of recyclable materials**

The use of Unit 3 is described by the applicants as a purely storage unit, however based upon observations on the site, it appears that the unit is being used to sort recyclable materials (Sui Generis use). Whilst this unit includes a warehouse structure, this building is open sided and therefore does little to contain any noise that the use generates. This unit also abuts two boundaries with two blocks of flats at Tate Court.

6.4.7 Materials associated with this use are stored in skips in the open yard area. It was clear from the site visit that the activity associated with this use also appears to have grown beyond the confines of Unit 3 as shown on the submitted site plan, with storage also taking place on an area illustrated for six car parking spaces on the submitted drawings. The materials being stored and sorted here range from timber, building materials, electrical items and cardboard. The noise generated from this unit occurs as skips arrive and depart from the site and as materials are sorted at the site. As such, and particularly having regard to the proximity of the use to residential properties, this operation is considered to be harmful to amenity. In addition to this, the size and nature of vehicles associated with this use, together with the frequency of vehicle trips, is also considered to generate undue noise and disturbance to nearby occupants in Old Redbridge Lane.

6.4.8 **Unit 4 -5 Storage of site equipment**

This use takes place within the large warehouse building to the south of the site. Based upon the officers' site visit, this use does not currently appear to generate undue noise and disturbance to residential amenity and it is considered that had the recommendation been to approve, appropriate planning conditions could be imposed to prevent harm to residential amenity.

6.4.9 **Unit 6 Manufacturing of acoustic panels and sheet metal**

This use also takes place within the large warehouse building adjacent to the southern site boundary. Based upon observations on site, this use does not appear to generate significant levels of noise. Furthermore, the proposed use is similar to the previous Dillons Shed use which also carried out manufacturing operations within this building. Environmental Health officers have advised that the submission of an acoustic report is necessary to clearly demonstrate the acceptability of this use and that it is likely that had the recommendation been to approve, planning conditions could be used to limit disturbance to the occupiers of neighbouring residential properties.

6.4.10 **Unit 7 & 8 Storage of Scrap Metal**

These units provide open storage for scrapped vehicles. Based upon observations on site, it is clear that vehicles are not processed on the site and the act of storage itself, it not considered unduly harmful to residential amenity. Again, planning conditions could be used to control this use.

6.4.11 **Unit 9 Storage of scaffolding**

This unit involves the open storage of scaffolding within a yard bounded by 2 metre high palisade fencing. This yard can be secured outside of operating hours. Currently, a two-storey height portakabin is also sited within this unit. Again, the act of storage itself does not generate noise although Environmental Health Officers have advised there is a potential for a noise issue to arise as scaffolding is loaded and unloading.

6.4.12 **Unit 10 Storage of commercial vehicles**

This unit involves the open storage of commercial vans adjacent to the front site boundary. Again, this use is not considered to create undue noise and disturbance to residential amenity.

6.5 Parking and Highways

6.5.1 In terms of parking, it is important to note that the parking spaces indicated on the plans are not formally laid out and form further storage areas. The only parking spaces which appear to be available on site are the four spaces which lie adjacent to the front site boundary, to the north of the office unit. As discussed above, this is symptomatic that the proposed development is an over-intensive use of the site. In addition to this, it is not clear from the submitted plans, or on site how HGV's would turn on site. Currently it appears that HGV's serving Unit 3 would have to reverse a distance of approximately 68 metres. This presents a highway safety issue on the site itself.

6.5.2 Whilst the submitted Transport Assessment indicates that the trip rates associated with the proposed uses are only marginally greater than those associated with the previous use, the nature of these trips are significantly different. In particular, the recycling company operating from Unit 3 involves a number of HGV movements on a daily basis, where as the previous use typically had smaller vehicle movements associated with it. The Highway officer has raised concern that the routes of the HGV traffic, as provided in the submitted Transport Assessment, are not acceptable for use by regular HGV traffic. In particular, the high level of on-street car parking and traffic calming measures within Old Redbridge Road and the associated pressure at nearby junctions is restrictive to HGV access and harmful in highway safety terms.

7.0 Summary

7.1 The office use operating from Unit 1, and the storage uses in Units 4, 5 and 10 are considered to be acceptable. Subject to the receipt of a satisfactory noise report with respect to units 2, 6, 7, 8 and 9 these uses may be able to be adequately controlled by planning conditions. If planning applications are submitted for these units which can resolve the noise issues satisfactorily then the enforcement action would not proceed against these units. However, the operations associated with Unit 3 are considered to be harmful to residential amenity and moreover, the overall intensity, noise, activity and vehicle activity associated with the site of the whole are considered to be harmful to residential amenity and highway safety.

8.0 Conclusion

8.1 For the reasons set out above the application is recommended for refusal.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d), 2 (b) (c) (d), 7 (a) (v) (w)

JT for 19/07/11 PROW Panel

Unit 10 – Commercial vehicle storage



**Unit 1 – Office
Unit 2 – MOT & Car Repairs**



Units 7 - 9: Scrap metal and scaffolding storage



Unit 3 – TJM Recyclers



Units 4 -6 Sheet metal/acoustic panel manufacturers



Proposed fencing



POLICY CONTEXT

Core Strategy - (January 2010)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS23	Flood Risk

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP16	Noise
TI2	Vehicular Access

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)

PPG13 Transport (January 2011)

PPG24 Planning and Noise (October 1994)

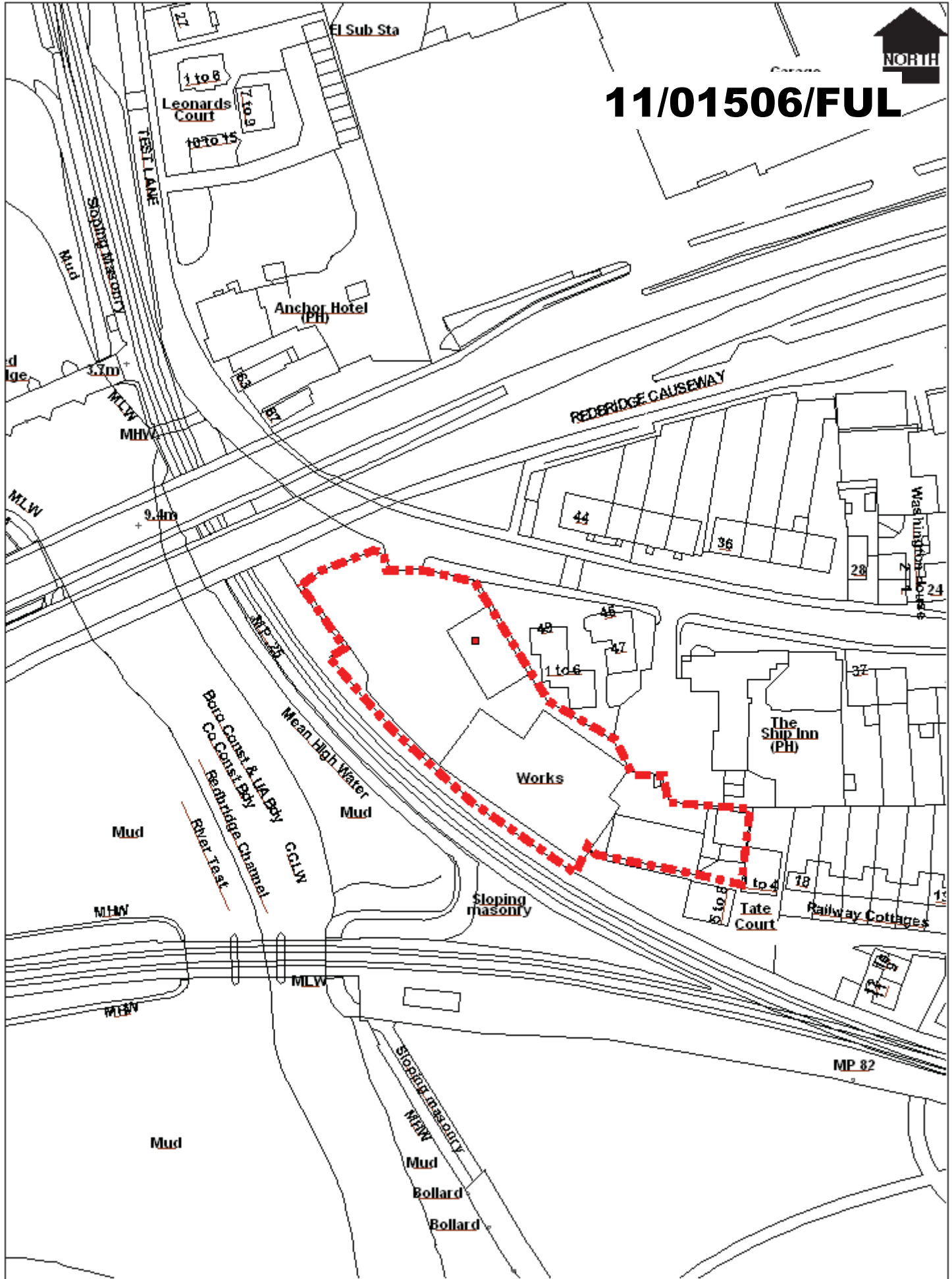
PPS 25 Development and Flood Risk (December 2006)

Relevant Planning History

1247/P22 Rebuild factory	Conditionally Approved 09.07.63
1250/50 Workshop	Conditionally Approved 24.09.63
1296/75 Steel-framed storage building	Conditionally Approved 01.09.64
1289/P1 Extension of mill	Conditionally Approved 03.08.65
1464/P28 Covered area for timber store	Conditionally Approved 25.09.73
1496/W5 Replace workshop	Conditionally Approved 04.11.75
1537/W15 Two rail coaches on land between railway cottages and Tate Road, use as light industrial	Conditionally Approved 25.04.78
941477/W Alterations and repairs to existing buildings and retention of new chain link fencing and gates	Permitted 12.01.96
05/01543/FUL Proposed redevelopment of the site by the erection of four buildings (three-storey and five-storey) to provide 52 flats (44 x 2 bedroom, 8 x 1 bedroom) with associated parking and highway works following the demolition of the existing buildings.	Refused 30.01.06



11/01506/FUL



Scale: 1:1250

Date: 04 January 2012

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