

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 26 March 2013
Planning Application Report of the Planning and Development Manager

Application address: Land adjacent railway track, Horseshoe Bridge			
Proposed development: Removal of Condition 5 (restricted use) Class B1 (B) and (C) and its replacement with land use Class B2 of planning permission 12/00697/FUL			
Application number	12/01557/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	5 minutes
Last date for determination:	07.12.13	Ward	Portswood
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Vinson Cllr Claisse Cllr Norris

Applicant: Clanfield Properties Ltd	Agent: Tony Oldfield Architects
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

Notwithstanding that the application constitutes a departure from the Development Plan 'saved' Policy REI 11 (xv) of the City of Southampton Local Plan March 2006 which allocates the site for B1 (b) and B1 (C) uses, the proposal is compliant with the wider objectives of the Development Plan, set out below. Currently, it is accepted that there is low demand for B1(b) and B1 (c) use at this location at the present time and is considered appropriate to this location, as it will increase the potential for occupancy of the site; as such full consent can be granted. In addition, other material considerations including amenity, parking, economic benefits, the previous vacancy of the site and the importance of encouraging employment within the city, outweigh compliance with this policy and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. 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 be granted.

City of Southampton Core Strategy (January 2010) – CS3, CS6, CS7 and CS19.
City of Southampton Local Plan Review (March 2006) - SDP1, SDP3, SDP4, SDP5, SDP10, SDP16 and REI11.

Appendix attached			
1.	Previous Planning Permission	2.	Development Plan Policies
3.	Planning History		

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The site comprises undeveloped land which is safeguarded for employment use. The site is situated between Thomas Lewis Way, the Network Rail mainline to London and the road link to St Deny's Railway Station. The plot consists of scrub land and bare ground which is bounded by heras fencing to all four sides. To the rear is an electricity sub station. Access to the site is via a slip road access from Thomas Lewis way and Horseshoe Bridge.

2. Proposal

- 2.1 Planning permission was granted under delegated powers for a single-storey, light-industrial unit on the site in July of last year. Condition 5 of the planning permission read as follows:

APPROVAL CONDITION - Restricted Use [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, the premises shall be used only for purposes within Class B1(b) or B1(c) and for no other use including any other use within Class B1 of the said Order.

Reason:

For the avoidance of doubt and to comply with the site allocation in Policy REI 11 of the City of Southampton Local Plan.

- 2.2 This application proposes to utilise the building approved for general industrial purposes rather than for light industrial by seeking the removal of the above condition. A copy of the permission is attached at **Appendix 1**.

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 2**. The site is identified for light industrial purposes within the Development Plan (B1b and B1c uses).
- 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. Relevant Planning History

- 4.1 Before the construction of Thomas Lewis Way, the site comprised two residential properties. Planning permission was granted in July last year for the construction of a single-storey light industrial unit with ancillary office space and car parking (application 12/00697/FUL).
- 4.2 The adjoining site has extant planning permission for the construction of a 5-

storey office block (10/00946/TIME). There have also been previous applications on the neighbouring site seeking residential use (06/00547/FUL and 12/01368/OUT) which have been refused planning permission and an appeal dismissed.

5. Consultation Responses and Notification Representations

5.1 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, placing a press advertisement (20.12.12) and erecting a site notice (20.12.12). At the time of writing the report no representations have been received from surrounding residents.

Consultation Responses

5.2 **SCC Highways** - No objection.

5.3 **SCC Planning Policy** – No objection.

5.4 **SCC Sustainability Team** – No objection or conditions suggested

5.5 **SCC Environmental Health (Pollution & Safety)** - No objection subject to conditions.

5.6 **SCC Environmental Health (Contaminated Land)** - No objection subject to conditions.

5.7 **SCC Ecology** – No objection or conditions suggested.

5.8 **Southern Water** – No objection.

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) Impact on residential amenity and;
- (iii) Parking, access and servicing.

6.2 Principle of Development

6.2.1 Saved policy REI11 of the Local Plan identifies the site for light industrial and research and development uses. The use of site for general industrial purposes is not in accordance with this. The marketing agents for the site have confirmed that the site has been marketed for its allocated purpose since July of last year but have not been able to attract interest. They have however, received expressions of interest to operate the site for general industrial purposes. The site itself has been vacant for many years and the proposed use would be employment generating. The Planning Policy Team have raised no objection to the application on this basis and the principle of development is, therefore, considered to be acceptable.

6.3 Impact on Residential Amenity

6.3.1 The nearest residential properties to the site are approximately 60 metres away in Osborne Road South. Thomas Lewis Way lies between these properties and the

application site. To the east of the site, the properties on Horseshoe Bridge are approximately 80 metres away and with the railway line and community centre between them and the site. As such, it is considered that there is sufficient separation between the site and nearby residential properties and any impacts from the use can be managed by appropriate planning conditions.

- 6.3.2 In addition to this, whilst there have been planning applications on the adjoining site for residential use, this site is also identified within the Development Plan. As such, the principle of residential development has not been accepted by the Local Planning Authority on the adjoining site and the proposal would not, therefore, prejudice the neighbouring site from coming forward for development.
- 6.3.3 A number of conditions are suggested to minimise the opportunities for noise and disturbance from the prospective use including hours of operation, details of soundproofing of the building and to prevent external storage or works from taking place. Since the site is relatively isolated from residential development and located in a commercial area, the Environmental Health Team have therefore raised no objection to the application and the proposal is considered to be acceptable in this respect.

6.4 Parking, Access and Servicing

- 6.4.1 The parking, access and servicing arrangements remain unchanged from the application as originally approved. A total of 6 parking spaces would be provided on site and the maximum number permitted would be 4. Given the nature of the proposed use and the location of the site, the proposed number of spaces is considered to be acceptable. The Highways team have raised no objection to a general industrial use in this location and the proposal is therefore considered to be acceptable in this respect.

7. Summary

- 7.1 Whilst the site is identified for light industrial purposes, it has been vacant for a lengthy period of time and the applicant has demonstrated a absence of interest in bringing the site forward for its allocated use. The provision of an employment-generating use within an area some distance from residential properties is therefore considered to be acceptable.

8. 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) 2. (b) (d) 6 (c) (i) 7 (a)]

JT for 26/03/13 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 - Use of uncontaminated soils and fill [Performance Condition]

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

03. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

04. APPROVAL CONDITION - Landscaping [Performance Condition]

Unless otherwise agreed in writing by the Local Planning Authority, the development shall be built in accordance with the Site Landscape Plan hereby approved.

Any shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

05. APPROVAL CONDITION - Restricted Use [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, the premises shall be used only for purposes within Class B1(b) or B1(c) or B2 and for no other use of the said Order.

Reason:

For the avoidance of doubt and to comply with the site allocation in Policy REI 11 of the City of Southampton Local Plan.

06. 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.

07. APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

08. APPROVAL CONDITION - Noise - plant and machinery [Pre-Commencement Condition]

The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

09. APPROVAL CONDITION - Details of Materials [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority the external materials and finishes of the development shall be carried out in accordance with the details shown on the plans hereby approved.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

10. APPROVAL CONDITION - Noise & Vibration (internal noise source) [Pre-Commencement Condition]

Prior to the commencement of the development hereby approved, a scheme to provide sound insulation against internally generated noise and vibration shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include means of ventilation to ensure that the building can be operated with doors and windows shut. The development shall proceed in accordance with the agreed details.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

11. APPROVAL CONDITION - Specified Uses/Hours of Use [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.

Reason:

To protect the amenities of surrounding areas.

12. APPROVAL CONDITION - Parking, access and On-site turning [performance condition]

The building hereby approved shall not come into use before the parking, access and on-site turning area has been provided and made available for use. The parking, access and turning area shall be thereafter kept clear and retained for that purpose whilst the use is in operation.

Reason:

In the interests of the safety and convenience of the users of the adjoining highway.

13. APPROVAL CONDITION - Restricted use of the external areas [performance condition]

The areas external to the building hereby approved shall not be used at any time for the processing, sorting of goods and materials or for the carrying out of industrial operations.

Reason:

In the interests of residential amenity.



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

**Town and Country Planning
(Development Management Procedure) (England) Order 2010**

Tony Oldfield Architects
Mr Tony Oldfield
5 Freemantle Business Centre
152 Millbrook Road East
Southampton
SO15 1JR

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: **Erection of a single storey industrial unit (Class B1) with ancillary office space and parking.**

Site Address: **Land Adj Railway Track Horseshoe Bridge Southampton**

Application No: **12/00697/FUL**

Subject to the following 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 - Use of uncontaminated soils and fill [Performance Condition]

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

03.APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

04.APPROVAL CONDITION - Landscaping [Performance Condition]

The development shall be built in accordance with the approved Landscape plan.

Any shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

05.APPROVAL CONDITION - Restricted Use [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, the premises shall be used only for purposes within Class B1(b) or B1(c) and for no other use including any other use within Class B1 of the said Order.

Reason:

For the avoidance of doubt and to comply with the site allocation in Policy REI 11 of the City of Southampton Local Plan.

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No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

08.APPROVAL CONDITION - Noise - plant and machinery [Pre-Commencement Condition]

The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

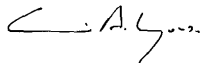
Reason:

To protect the amenities of the occupiers of existing nearby properties.

09.Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. 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, SDP7, SDP9 and RE11 (Xvi) of the City of Southampton Local Plan Review (March 2006) and CS6, CS7, CS8 and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).



Chris Lyons
Planning & Development Manager

30 July 2012

If you have any further enquiries please contact:

Bryony Stala

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings.

Drawing No:	Version:	Description:	Date Received:	Status:
P01		Site Plan	09.05.2012	Approved
P05		Location Plan	09.05.2012	Approved
P06		Landscaping Plan	09.05.2012	Approved
P04		Elevational Plan	09.05.2012	Approved
P03	A	General Plan	19.07.2012	Approved
P02	A	General Plan	19.07.2012	Approved

POLICY CONTEXT

Core Strategy - (January 2010)

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

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP16	Noise
REI11	Light Industry

Other Relevant Guidance

The National Planning Policy Framework 2012

Relevant Planning History

12688/1520/M13 Temporary Consent 19.05.1981
Continued use of the site for the parking of commercial vehicles

12/00697/FUL Conditionally Approved 30.07.12
Erection of a single storey industrial unit (Class B1) with ancillary office space and parking.

Adjacent site - Land at Horseshoe Bridge (Horseshoe Park)

06/00547/FUL Refused 24.05.2007 and Appeal dismissed
Erection of a six-storey building to provide 21 x two-bedroom flats with associated parking.

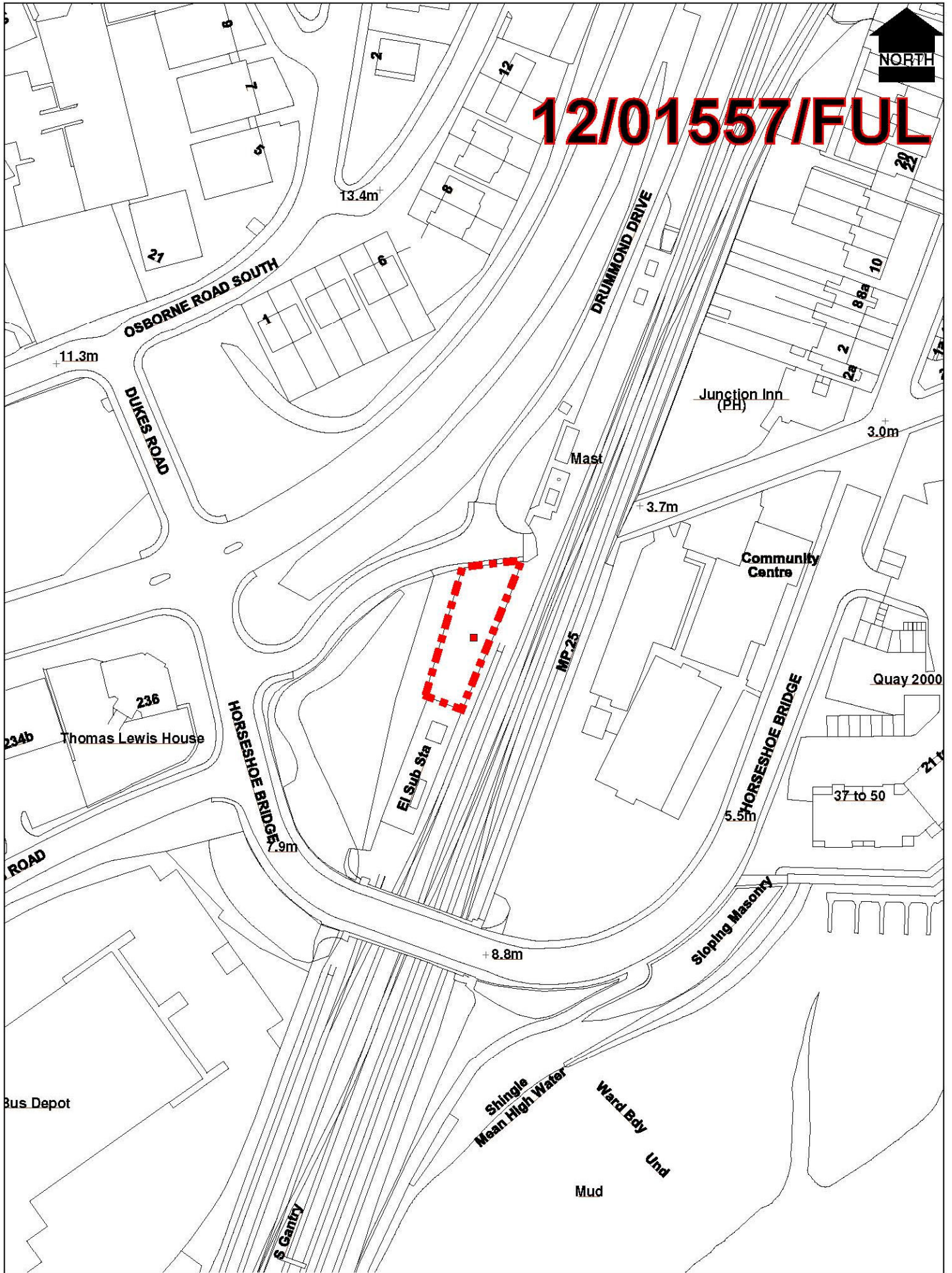
08/00083/FUL Conditionally Approved 22.04.08
Erection of a five-storey office building with associated parking and vehicular access from Drummond Drive (resubmission)

10/00946/TIME Conditionally Approved 25.11.2010
Erection of a five-storey office building with associated parking and vehicular access from Drummond Drive (Extension of Time).

12/01368/OUT Refused 30.11.12
Erection of a part 6-storey and part 7-storey building to provide 12 x six bedroom 'cluster flats' for students with associated facilities including parking and storage.



12/01557/FUL



Scale : 1:1250

Date : 13 March 2013

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