

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

<b>Application address:</b> Dillons Garden Sheds Ltd, Old Redbridge Road			
<b>Proposed development:</b> 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.			
<b>Application number</b>	11/00199/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	07.06.11	<b>Ward</b>	Redbridge
<b>Reason for Panel Referral:</b>	Referred by the Planning and Development Manager	<b>Ward Councillors</b>	Cllr Holmes Cllr McEwing Cllr Pope
<b>Applicant:</b> Mr Rooker And Frost		<b>Agent:</b> Paris Smith Llp (Alan Sayle)	
<b>Recommendation Summary</b>	<ol style="list-style-type: none"> <li>1. Refuse</li> <li>2. Delegate to the Planning and Development Manager to authorise the service of an Enforcement Notice</li> </ol>		

**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.

## 7.0 **Planning Consideration Key Issues**

- 7.1 The key issues for consideration in the determination of this planning application are:
- 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 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.
- 7.2.2 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.

### 7.3 **Character of the area**

- 7.3.1 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.
- 7.3.2 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.

## 7.4 Residential Amenity

- 7.4.1 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.
- 7.4.2 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.
- 7.4.3 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.
- 7.4.4 **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.
- 7.4.5 **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.
- 7.4.6 **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.

7.4.7 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.

7.4.8 **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.

7.4.9 **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.

7.4.10 **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.

7.4.11 **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.

7.4.12 **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.

## 7.5 Parking and Highways

7.5.1 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.

7.5.2 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.

## 8.0 Summary

8.1 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.

## 9.0 Conclusion

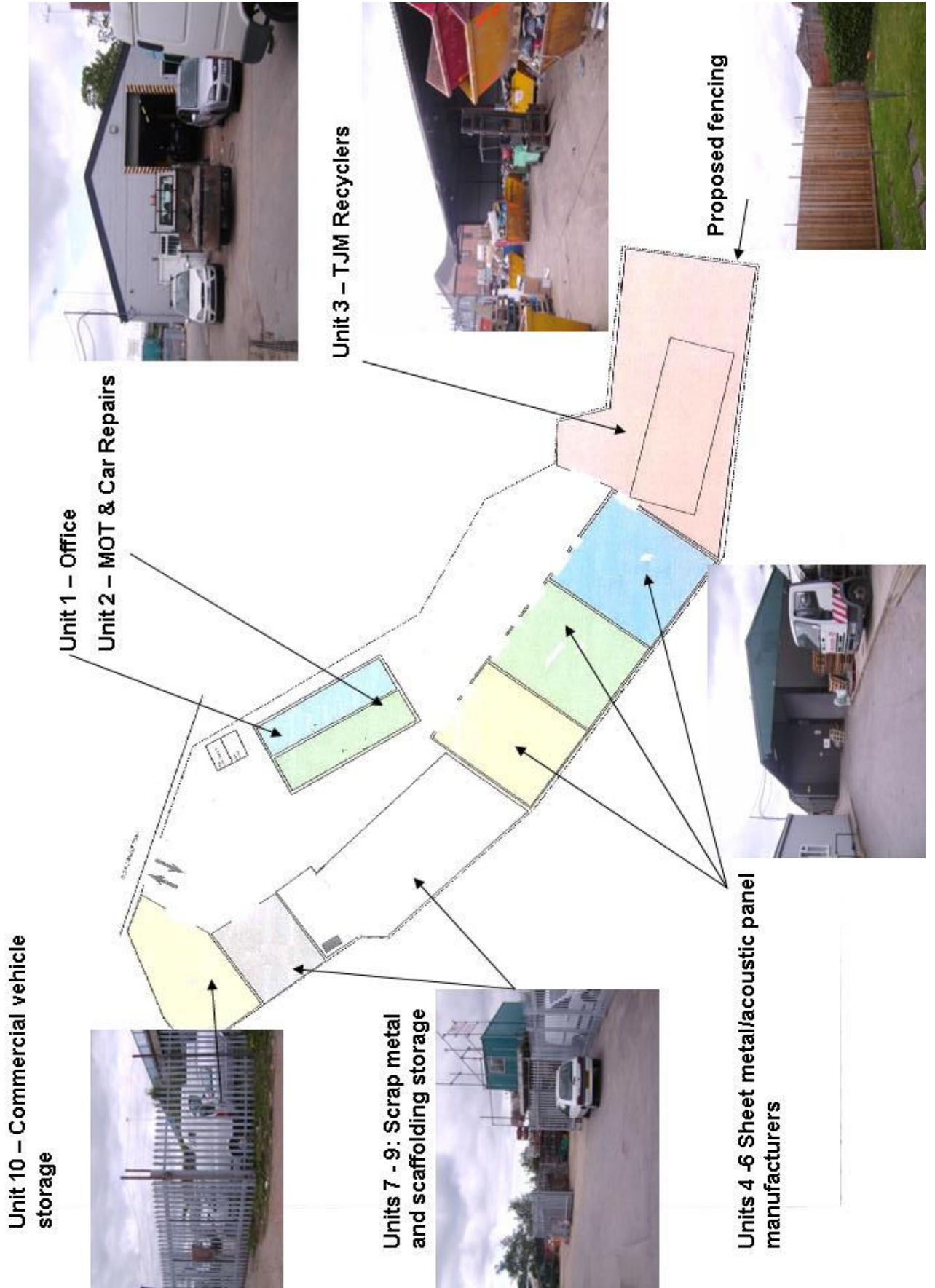
9.1 For the reasons set out above the application is recommended for refusal.

### 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**





**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

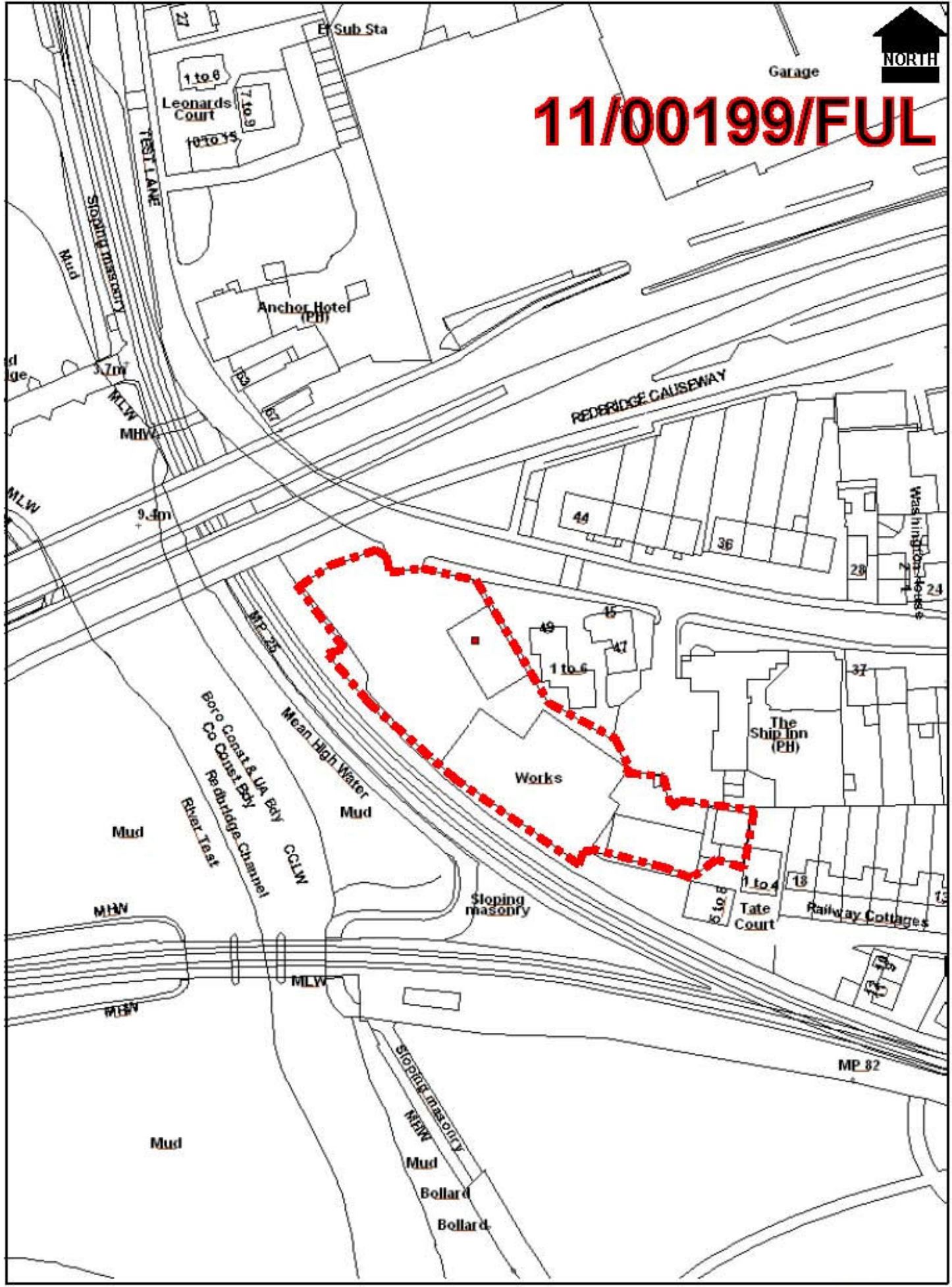
- PPS1 Delivering Sustainable Development (February 2005)
- PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)
- PPG13 Transport (January 2011)
- PPG24 Planning and Noise (October 1994)
- PPS 25 Development and Flood Risk (December 2006)

**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



**11/00199/FUL**



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Date : 06 July 2011

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