



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

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

Mr Alan Sayle
Paris Smith LLP
Number 1
London Road
Southampton
SO15 2AE

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: Retrospective change of use from previous use for manufacture & sale of timber sheds to use for painting contractors premises, vehicle repair & MOT Testing & storage purposes together with the retention of 3m high close boarded fencing to the eastern site boundary & siting of a portable building (resubmission of 11/00199/FUL).

Site Address: Dillons Garden Sheds Ltd Old Redbridge Road Southampton Hampshire

Application No: 11/01506/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 two months 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) and to control the development in the interests of the amenities of the neighbouring residential occupiers.

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 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.

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 – 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 are 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 – Site Management Plan [performance condition]
Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall operated in accordance with the submitted Paris Smith Site Management Plan (October 2011).

Reason:

In the interests of highway safety and the amenities of the occupiers of the neighbouring properties.

13.APPROVAL CONDITION – Restriction on Vehicle Movements [performance condition]
The number of HGV movement associated with the uses hereby approved shall not exceed a total of 35 trips per day and within three months of the date of this permission, a method for monitoring the number of HGV trips shall be submitted to and agreed in writing by the Local Planning Authority. The method of monitoring shall be in place three months after being approved in writing by the Local Planning Authority and thereafter retained as approved.

Reason:

In order that the Local Planning Authority can control the number of vehicles entering and leaving the site in the interests of highway safety and residential amenity.

14.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.

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 20.12.11 do not have sufficient weight to justify a refusal of the application. 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.


Chris Lyons
Planning & Development Manager

26 January 2012

If you have any further enquiries please contact:
Jenna Turner

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:
		Location Plan		Approved
1207/10_01		Site Plan		Approved
PLAN 3		Site Plan		Approved
PLAN 4		Site Plan		Approved
PLAN 5		Site Plan		Approved
020.0024.100	P1	Site Plan		Approved

NOTES

1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State for Communities and Local Government, in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals can be submitted on line www.planning-inspectorate.gov.uk or by a form available from the Planning Inspectorate, 3/15 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS2 9DJ. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been granted other than subject to the conditions imposed by it having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under that Order.
4. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
6. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
7. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
8. The applicant is recommended to retain this form with the title deeds of the property.

Please address any correspondence in connection with this form quoting the application number to: **Development Control Service, Southampton City Council, Civic Centre SOUTHAMPTON. SO14 7LS**

