

Planning and Rights of Way Panel 4th June 2019
Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: Spitfire Quay & Units 1-4 Millhouse Business Centre, Siva Plastics, Hazel Road, Southampton			
Application number and proposed development:			
<ol style="list-style-type: none"> 1. 18/01659/FUL, Erection of a single storey building for use as logistics office with associated car parking, following demolition of existing 2. 18/01679/MMA, Minor material amendment sought for variation of condition 2 (Approved plans) of planning permission 16/00844/FUL for removal of columns, resizing of building footprint and canopy, installation of a gate house and relocation of office/restroom/car parking. (retrospective) 3. 18/01964/FUL, Installation of a boundary fence with entrance and exit gates fronting Hazel Road and part of access road (Part Retrospective). 4. 18/02087/FUL, Construction of a transfer building and bridge to connect building to main site following demolition of units 3 and 4. 			
Case officer:	Mat Pidgeon	Public speaking time:	15 minutes
Last date for determination:	<ol style="list-style-type: none"> 1. 30/10/2018 2. 02/11/2018 3. 24/12/2018 4. 18/01/2019 	Ward:	Peartree
Reason for Panel Referral:	More than five letters of objection have been received.	Ward Councillors:	Alex Houghton Thomas Bell Eamonn Keogh
Referred to Panel by:	N/A.	Reason:	N/A.
Applicant: Mr Bobby Mehta		Agent: Southern Planning Practice	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	N/A
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Reason for granting Planning Permission (identical for all four applications):

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including impact on neighbouring business operations (as presented to the Planning & Rights of Way Panel on 4th June 2016) 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. . In reaching this decision the Local Planning Authority offered a pre-

application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019).

Policies - SDP1, SDP7, SDP9, SDP16, SDP22, REI10, NE1, NE2, NE3, NE4 and NE5 of the City of Southampton Local Plan Review (Amended 2015) and CS6, CS13, CS22, CS23 and CS24 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) as supported by the National Planning Policy Framework (2019)

Appendix attached	
1	Policy Context
2	Relevant Planning History (refused)
3	a. Transport Note; specific to application one (Logistics/Monitoring Office). b. Transport Statement; specific to application four (Transfer Building and Bridge). c. Combined Transport Statement; relevant to all four applications. d. Operational Management Plan.
4	Site overview plan (proposed).

Recommendation in Full – Applicable to each of the 4 planning applications:

Conditionally Approve

Background:

The Planning Panel are being asked to consider 4 planning applications for linked development on this site under this single Panel report. A vote will be required on each of the applications in turn. These applications seek to address problems raised by unauthorised development on the site that have led to problems for neighbouring businesses.

The applicant, Siva Plastics have been operating since 1979. The company specialises in the manufacture of flexible packaging products, graphic printing on flexible packaging and adhesive lamination. 40% of the products produced by Siva Plastics are exported internationally. Siva Plastics invest in the latest technologies and processes with the aim of maintaining long term business success. In the past three years Siva plastics have carried out development on the site and submitted various planning applications over the years with the aim of improving operational efficiencies and market competitiveness.

There is a long and complicated planning history for this site that will be explained by officers further at the Panel meeting. Planning permission was initially granted in December 2016 for the redevelopment of 'Millhouse' units 1 & 2 and the erection of a new warehouse building with a covered loading bay and parking.

The 4 planning applications can be summarised as follows:

1. A logistics building, which will help to manage vehicles arriving and departing from the Siva Plastics factory and warehouse facility (**LPA ref: 18/01659/FUL**);
2. The second application (**LPA ref: 18/01679/MMA**) seeks to gain permission for approximately the same development as previously approved but with additional changes. The differences with the new scheme are:
 - o an increase in height by 0.5m (from 20m to 20.5m)
 - o removal of columns,

- reducing the size of the building footprint (from 2140sq.m to 1915sq.m [-225sq.m]) increased canopy area,
 - installation of a gate house and relocation of office/restroom/car parking.
3. The third application proposes a boundary fence and gates around the part of the site which was formally occupied by Millhouse Units 3 and 43 (**LPA ref: 18/01964/FUL**); and
 4. The final application proposes a transfer building and bridge to connect the warehouse building to main factory building (**LPA ref: 18/02087/FUL**).

The applications follow the refusal of planning application 18/01255/FUL which sought retrospective permission for a two bay vehicle loading dock and waste compactor chute. The application was refused owing to the position of the two bay vehicle loading dock which resulted in HGV delivery vehicles having to undertake multiple reversing manoeuvres which obstructed the flow of traffic within Spitfire Quay Industrial Estate and access into neighbouring businesses. The proposal therefore was deemed to prejudice the operation of neighbouring businesses and undermine the vitality and viability of Spitfire Quay Industrial Estate. The application was also refused because insufficient information had been provided in regard to noise and potential impact on neighbouring residential occupiers. Whilst application 18/01255/FUL was refused Siva plastics continue to use the loading dock as there are no other suitable alternative ways to deliver and receive 'goods' (plastic bags and packaging either pre or post printing) from and to the storage warehouses. As a consequence planning enforcement has been put on hold until the current applications have been determined given that the purpose of the warehouse, transfer building and bridge application is partially to ensure that there is no longer the need to use the two bay loading dock to transfer product to and from the factory building.

Previously approved plans (16/00600/FUL) identified that vehicles could drive around the factory building in a clockwise direction and deliver raw materials to the rear from within the site. As a consequence of an unlawful extension of the factory building to facilitate the accommodation of a new piece of factory machinery. This is, however, no longer possible. Vehicles delivering raw materials to the rear of the site now need to use Quayside Road (the access road to the north of the factory building which is also used to access neighbouring businesses 'Days' and 'Spitfire Garage') when entering and exiting the site. Goods have historically been stored within the former warehouse buildings Millhouse Units 3 and 4 and other warehouses not within Spitfire Quay Industrial Estate. Goods have then been transported to and from the factory with fork lift trucks traveling across Quayside Road. Again enforcement of the unlawful structure has been put on hold until determination of the current applications have taken place given that the purpose of the current applications is, in part, to reduce impact caused by traffic associated with Siva Plastics on other nearby businesses.

Since the submission of the four current planning applications, and following the receipt of a significant number of letters of representation received as a consequence of the initial consultation exercise, amended plans and additional supporting documentation have been received by the Local Planning Authority. The purpose of the amendments to the plans and the additional supporting documents (listed below) were to overcome concerns raised by adjacent land users and the Planning Team.

The applicant has now provided the following (as set out at **Appendix 3**):

- Transport Note; specific to application one (Logistics/monitoring Officer).
- Transport Statement; specific to application four (Transfer Building and Bridge).
- Combined Transport Statement; relevant to all four applications.
- Operational Management Plan.

The closing date for public comment on this additional information is 28th May 2019 (ie. after the report deadline but before the Panel meeting). Any further correspondence received will be reported at the Panel meeting.

1. The site and its context

- 1.1 The site is located within the Spitfire Quay Industrial Estate, c.4.5km to the east of Southampton City Centre. The site is bordered by Hazel Road to the east, the River Itchen to the west and other industrial uses to the north and south. The site currently comprises of the main Siva Group factory and a number of neighbouring industrial units, four of which are also occupied by Siva Group. Millhouse Units 1 and 2 have been demolished and the construction of the new consented warehouse is currently under construction. The application site consists of buildings and hard standing which lie adjacent to inter-tidal habitats which form part of the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). The inter-tidal area also forms part of the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site which are designated for high populations of over-wintering waterfowl. In addition, Atlantic salmon, *Salmo salar*, which is an interest feature of the River Itchen Special Area of Conservation (SAC), are likely to pass close to the site whilst migrating to and from breeding grounds in the upper reaches of the Itchen.
- 1.2 The Siva Group operation is accessed from Hazel Road, via two bellmouth arrangements, one to the north and one to the south of the main factory. The accesses on Hazel Road facilitate entrance to the main Siva Group factory and industrial units R J Mitchell Centre (RJMC) 1-11. Two of the RJMC units are occupied by Siva, with the remaining units occupied by small businesses such as a vehicle repair garage, which currently occupies Unit 11. The northern bellmouth access also facilitates entrance to Day Group and Spitfire Garage in addition to the exit for the new warehouse and Millhouse units 3 & 4 which are occupied by Siva.
- 1.3 Currently materials and goods are stored and transferred between units 3 & 4 Millhouse and RJMC units 3 & 4. These manoeuvres are currently undertaken using forklifts which move across the internal roads.
- 1.4 The delivery of all raw materials to Siva Group are directed to the rear of the main factory and to Gate 3, an open storage area to the north of the main factory. At the rear of the main factory facilities are provided which allow delivery vehicles to enter, turn and exit, with direct access also provided into the main factory to the rear of the site. At Gate 3 vehicles are able to turn in the apron in front of the storage area and the apron is to be resurfaced shortly to make manoeuvres easier.
- 1.5 It is understood that the neighbouring industrial units utilise the service road outside of the main factory to load and unload goods, with certain parking spaces provided for these units used to support additional storage space. As such the service road opposite the main factory is subject to informal on-street parking.
- 1.6 Spitfire Quay Industrial Estate is positioned on the eastern bank of the River Itchen. To the east the site is accessed from Hazel Road. Further to the east is a railway line that's raised at a higher level to the road by an embankment. Beyond the railway line is a large public amenity space - Peartree Green. Residential properties are found further to the south on Hazel Road and larger areas of residential housing surround Peartree Green.

2. Proposal

- 2.1 Four separate planning applications have been submitted; all of which together seek to improve the efficiency of the Siva Plastics operation and reduce impact on local businesses. They could have been submitted as a single application but it is assumed that the applicants wanted to de-risk each element of the scheme and so applied separately.
- 2.2 **Application 1. (18/01659/FUL)** seeks the erection of a single storey building for use as logistics/monitoring office with associated car parking, following the demolition of existing unit 11 of the RJ Mitchell Centre. The RJ Mitchell Centre is comprised of 11 separate units positioned in between the Siva Plastics factory building and Hazel Road. Unit 11 is positioned at the northern end. The logistics office would measure 34 sq.m and includes provision of 8 car parking spaces. The car parking spaces would alter the layout of the site with the aim of formalising the current layout.
- 2.3 The purpose of the logistics/monitoring office is to manage vehicles arriving and departing from the Siva Plastics warehouse and factory with the aim of preventing unnecessary and disruptive manoeuvres by, in particular, heavy goods vehicles (HGV's).
- 2.4 **Application 2 (18/01679/MMA)** seeks a minor material amendment to the warehouse and canopy approved, and under construction, under planning permission 16/00844/FUL. The amendment has been sought to allow for an improved storage facility and to provide space around the building enabling maintenance access to the outside. The factory building itself is an automated system, which allows more efficient use of the space within the warehouse.
- 2.5 Removal of columns and resizing of the canopy will improve the covered space to assist HGV movements. The installation of a gate house/relocation of office/restroom/car parking aims to improve management of the site and provide welfare facilities for HGV drivers. The scheme would also provide parking for six HGVs within the site and off of nearby roads.
- 2.6 The height of the building would be 20.5m, which is 0.5m taller than approved, and the footprint would be reduced by 225sq.m (1915sq.m).
- 2.7 **Application 3 (18/01964/FUL)** seeks the installation of a boundary fence with entrance and exit gates to enclose the boundary of the new warehouse facility. The boundary would be formed of a concrete lower wall (measuring approximately 1.2m) topped with 1m high galvanised steel security fencing above.
- 2.8 **Application 4 (18/02087/FUL)** seeks permission for a transfer building and bridge to connect the warehouse building to the factory building following the demolition of units 3 and 4 Millhouse. The bridge and transfer building will link into the warehouse and the automated loading/stacking system so that goods are transported from the warehouse to the factory and back again without the need for fork lift trucks.
- 2.9 The bridge link will be positioned to allow a minimum clearance height of 5.1m below and signage will be added to ensure that vehicle drivers are made aware. The bridge link would span the width of the Quayside Road and have a floor space of 164sq.m.

- 2.10 The footprint of the transfer building would be 360sq.m and it would have a maximum height of 5.8m. The transfer building will link the ground floor of the warehouse building to the raised level of the bridge link.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) was revised in July 2018. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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 A schedule of the site’s relevant planning history (outlined below) for the site is set out in **Appendix 2** of this report along with relevant plans. The following applications are of particular relevance to this recommendation:
- 4.2 In November 2016 planning permission (16/00600/FUL) was granted for the construction of new high bay storage and new pallet storage area to the rear of the factory and double height extension to the side following the demolition of an existing two storey section. A new entrance area was also added along with a new gatehouse to the front. The proposal also included the recladding of the existing factory, a new covered canopy and 4 new silos to the rear. Additional parking spaces were also provided to the front.
- 4.3 In December 2016 planning permission (16/00844/FUL) was granted for the demolition of the existing Millhouse units 3 & 4 and erection of a new fully automated warehouse building with a covered loading bay. This is the scheme which application 2 (18/01679/MMA) seeks to amend.
- 4.4 Then in March 2018 planning permission (17/01699/FUL) was refused for a taller fully automated storage facility with covered loading bay, gate house and driver welfare facilities on the same site as application 16/00844/FUL. The application was refused owing to the scale of the proposed building and its impact on the character, appearance and local distinctiveness of Peartree Common. The scheme was also refused because adequate supporting information had not been provided to demonstrate that the proposed automated storage facility would not lead to a significant net increase in associated vehicular movements as a result of increased productivity/growth from the factory and owing to the lack of a section 106 agreement to secure submission of a highways condition survey, contributions towards the Carbon Offset Fund and the submission of an employment and skills plan. The

development was proposed to be significantly taller than the approved warehouse (16/00844/FUL). The refused scheme would have measured 40m in height.

- 4.5 Planning permission was then refused in October 2018 for the retrospective installation of a two bay vehicle loading dock and waste compactor chute (18/01255/FUL). The application was refused for two reasons: impact on neighbouring business operations and insufficient information relating to noise impact. The retrospective nature of the development has been raised as a planning enforcement enquiry however enforcement action (as mentioned earlier in this report) is on hold until the outcome of the current applications have been determined because without the current unauthorised works the business couldn't operate.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning applications publicity exercises in line with department procedures were undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice.

Application Ref:	SN Date
1. 18/01659/FUL – 23 objections (Logistics/monitoring office)	21.09.2018
2. 18/01679/MMA – 19 objections (Warehouse and canopy)	02.11.2018
3. 18/01964/FUL – 143 objections (inc. 141 proforma) (Boundary fence and gates)	13.11.2018
4. 18/02087/FUL – 80 objections inc. 1 petition (18 signatures) (Transfer building and bridge)	30.11.2018

At the time of writing the report a total of **264 representations** across all 4 applications – as detailed above - have been received from surrounding residents. It should be noted that objections raised in some of the individual letters, recorded under a specific application, raise concerns relating to the overall scheme (all 4 applications combined). Many of the letters were also received in response to the original consultation exercise and, therefore, do not take account of amendments that have since been made which aim to overcome the concerns raised by the public along with concerns held by the Local Planning Authority.

Representations have also been received from **Cllr Houghton** and **Cllr Keogh**.

Following receipt of amended plans (removing reference to the unauthorised loading dock and adding tracking diagrams) and supporting information a second consultation exercise was undertaken. The summary of points raised below relate to all letters of representation received in response to both consultation exercises.

The following is a summary of the points raised:

- 5.2 ***Loss of Industrial unit 11 removes viable business from the estate 'The Engine Shop' – automotive repairs.***

Response

This is a commercial consideration for the land owner and not a material planning consideration.

- 5.3 ***Manoeuvring space required by HGVs on Hazel Road and Quayside Road will remove car parking spaces adjacent to the Railway Line and around the bellmouth entrance to Quayside Road.***

Response

The parking on Hazel Road is a private matter for the land owner to resolve given that the road is not publically owned. The Council's Highways Officer is now satisfied with the Operational Management Plan and has raised no objection.

- 5.4 ***Lack of on-site parking for HGVs results in HGVs backing up on Hazel Road.***

Response

Application 1 (Logistics/Monitoring Office) seeks to manage the arrival and departure of HGVs. The submitted Operational Management Plan (set out at **Appendix 3**) also explains how Siva Plastics have worked with other local businesses to identify operational methods which aim to prevent obstruction/conflict on Hazel Road and Quayside Road. The Council's Highways Officer is now satisfied with the Operational Management Plan and has raised no objection.

- 5.5 ***Traffic route will restrict access to units within the RJ Mitchell Centre.***

Response

The operational management plan (at **Appendix 3** of this report) shows that HGVs will drive along the service road between the Siva Plastic factory and the R J Mitchell Centre only in the event that HGVs arrive to site early. The route allows HGVs to efficiently drive into and out of the site without complicated manoeuvres. The purpose of the logistics/monitoring office is also to try and prevent conflicts and multi arrivals. The Council's Highways Officer is now satisfied with the Operational Management Plan and has raised no objection.

- 5.6 ***Position of the gatehouse and drivers rest room, part of application 2 (18/01679/MMA), will encourage HGV drivers to park and obstruct Hazel Road and restrict traffic flow into the busy Willments Industrial Estate.***

Response

A parking area within the warehouse forecourt for up to 6 HGVs is proposed to reduce overspill HGV parking. The Council's Highways Officer is now satisfied with the Operational Management Plan and has raised no objection.

- 5.7 ***Position of the logistics/monitoring office will cause HGVs to stop on Hazel Road.***

Response

This is not the purpose of the logistics/monitoring office. The operational management plan (**Appendix 3**) explains how the logistic/monitoring office and staff aim to help to reduce impact of HGV's arriving at Siva Plastics on the surrounding businesses. The Council's Highways Officer is now satisfied with the Operational Management Plan and has raised no objection.

- 5.8 ***The proposal relies upon Hazel Road for vehicle manoeuvring space required to access and exit the Siva warehouse.***

Response:

The degree of reliance upon Hazel Road for site access with HGVs is considered reasonable on the basis of the status of Hazel Road as a private highway and the location of the site within a designated industrial estate.

- 5.9 ***Warehouse application (MMA) removes pedestrian footpath and therefore harms pedestrian safety. A barrier should also separate the pavement from the highway for pedestrian safety.***
Response
The applicant has committed to replacing the pedestrian route once the construction of application 2 (MMA for warehouse, 18/01679/MMA) has been completed. Separation of footpaths and highways by physical structures are discouraged by the Council's Highways Team as this tends to result in increased traffic speeds as drivers feel isolated from pedestrians. Accordingly a barrier is not recommended although if panel are minded a small number of bollards could perhaps assist to alleviate concerns raised by objectors.
- 5.10 ***No pedestrian crossing points are proposed.***
Response
Amended plans have been received which do now include a pedestrian route across Quayside Road near to the junction with Hazel Road. The route would be marked out on the road with road marking paint.
- 5.11 ***Pedestrian and cyclist safety will also be negatively impacted by HGVs parked on Hazel Road.***
Response
These applications seek to improve the situation. The Council's Highways Officer is now satisfied with the Operational Management Plan and has raised no objection.
- 5.12 ***Use of forklift trucks is a danger to pedestrians, cyclists and car drivers.***
Response
The proposed bridge link between the automated warehouse facility and the factory building seeks to prevent the need for further forklift truck movements from the warehouse to the factory and thus one of the benefits is an improvement in highway safety in this respect.
- 5.13 ***HGVs damage the road surface.***
Response
As a private road any damage will be managed by the road owner. It is not in the interests of the applicant to let their access deteriorate.
- 5.14 ***A flood risk assessment has not been carried out.***
Response
The submission of flood risk assessments for all relevant applications have now been submitted and considered.
- 5.15 ***Unauthorised loading dock is currently in operation causing an obstruction to Quayside Road when HGVs are manoeuvring into and out of the loading dock.***
Response
Planning enforcement is being held whilst these applications are considered. A decision has been taken to allow these applications to run their course without preventing the business from operating and the Panel will note that any Enforcement Notice would have the right of appeal, which would delay the removal of any unauthorised development.
- 5.16 ***Plastic pollution caused by the raw material escaping from the factory and storage areas.***
Response

This has been raised with the Environment Agency. They continue to monitor plastic pollution of the River Itchen which potentially originate from three companies in the area.

5.17 ***Inaccuracies of the Design and Access Statement***
Response

The information provided does not prejudice the determination of the current applications. Officers have visited the site, attended public meeting and discussed the scheme at length with the applicant and is fully appreciative of the issues. It is not felt that the public's understanding of the schemes would have been compromised by the D&AS and significant interest has been shown.

5.18 ***Inaccuracies of the Transport Report; failure to describe the loading dock as retrospective and is described as temporary.***
Response

The information provided does not prejudice the determination of the current applications. The loading dock has been removed from the current plans at the request of officers.

5.19 ***Occupier of unit 11 described as a scrap car garage; intended to mislead the reader.***
Response

The Case Officer is aware of the nature of the business at Unit 11. The nature of the existing business at Unit 11 is not material to the determination of the current planning applications.

5.20 ***Siva plastics move parked cars with fork lift trucks.***
Response

Not material to the determination of the current planning applications.

5.21 ***The logistics/monitoring office will result in the loss of on street car parking spaces available to all users of the industrial estate and replace them with 8 car parking spaces only available to Siva Plastics.***
Response

There are maximum parking standards within the industrial estate.

5.22 ***Construction of the logistics/monitoring office will result in units within the RJ Mitchel Centre being difficult to access.***
Response

A construction management plans will be required with the aim of preventing harm to nearby businesses during construction.

5.23 ***No detailed information demonstrating the assumption that the proposals will result in reduced vehicle trips.***
Response

With a larger capacity automated storage facility, with bridge link to the factory, it is reasonable to expect that less trips will be generated as a consequence. The purpose of the applications is to improve the efficiency of Siva Plastics business operations.

5.24 ***Demolition of unit 11 degrades the memorial of RJ Mitchell.***
Response

It would be unreasonable to oppose the planning applications for this reason. The building is of low architectural merit and is located within an Industrial Estate which does not have high public amenity value.

- 5.25 ***Loss of soft landscaping, which is on the deeds of all businesses in Spitfire Quay, which provides flood protection and beautification.***
Response
The applicants are now proposing to reinstate the soft landscaped strip on the corner of Hazel and Quayside Road. Amended plans have been received.
- 5.26 ***Informal parking may occur on the grass verge proposed.***
Response
Planning conditions can be used to ensure that a structure is used (bollards) to prevent unauthorised parking on the landscaping strip.
- 5.27 ***The proposed security wall will appear ugly.***
Response
The context of the wall, within an industrial estate, means that there is no objection to the appearance of the wall from a planning perspective.
- 5.28 ***The plans submitted by Siva do not show the true extent of the location in respect of businesses in the area, which is misleading. Hazel Road is a major access route into Willments Industrial Estate, which lies to the north of the development.***
Response
The Planning Department do not rely solely on the submitted plans/information to gain an understanding of the area surrounding the site.
- 5.29 ***Previous planning permissions/conditions have not been complied with.***
Response
The planning enforcement team are aware of the current circumstances of the site. Planning Enforcement measures are currently on hold until the determination of the current applications given that they aim to overcome the problems caused by recent unauthorised development.
- 5.30 ***The Minor Material Amendment application (application 2: 18/01679/MMA) appears to be taller and have a larger site area than the previously approved scheme.***
Response
There is no statutory definition of 'minor-material'. It cannot simply be stated that a development is not 'minor' if there is a height increase and it is the relative difference in height that would determine whether or not a change to a development is 'minor'. In this case the difference is half a meter on a building proposed to be 20.5m tall.
- 5.31 ***A previous application was refused as it was taller than the existing Siva plastics factory.***
Response
Application 17/01699/FUL was refused owing to its height and therefore its impact on the nearby Peartree Common. The proposed structure would have been 40m tall, in contrast the approved warehouse building would have been 20m in height. The proposed warehouse building would now be 20.5m in height. In this context 0.5m is considered to be minor.

- 5.32 ***Objectors request that the track record of Siva Plastics in regard to planning, in particular retrospective applications and unauthorised development, is taken into account when considering the applications.***

Response

The Local Planning Authority cannot take account of the behaviour of applicants when determining planning applications. The applications must be determined on the basis of planning merit only. The behaviour of applicants is not a material planning consideration.

- 5.33 ***Damage to the fencing and gates separating Wilmonts Shipyard from Spitfire Quay.***

Response

This is not directly related to the planning applications currently being determined by the Local Planning Authority.

- 5.34 ***Boundary fence constructed before permission has been granted***

Response

It is understood that the fencing erected on site was to allow construction of the storage facility rather than intended to be the permanent fencing submitted under planning application 3 (18/01964/FUL).

- 5.35 ***Data held within the supporting information (Appendix 3 of this report) is misleading and contradictory.***

Response

The data has been reviewed by the Council's Highways Department. Initial objections to the proposal based on highways impact have been addressed by the information provided and formal objection has been removed.

- 5.36 ***The proposed boundary treatment (application 18/01964/FUL) should be a wall constructed of brick to match in with the appearance and character of other walls within the Industrial Estate.***

Response

It is not considered necessary to construct the security fence/boundary treatment with bricks in order to visually be acceptable in this location. Whilst a brick wall would be more aesthetically pleasing it is not deemed to be necessary in this location to ensure that the boundary is visually acceptable.

- 5.37 ***The expansion Siva Plastics will result in harm to other neighbouring businesses.***

Response

There are numerous variables and reasons for specific businesses to either be successful or unsuccessful. The purpose of the applications is to increase efficiency at Siva Plastics, as a consequence there is anticipated to be less vehicular movements generated by Siva Plastics on Quayside and Hazel Roads and so there should be less impact on neighbouring business operators.

- 5.38 ***Customers of Spitfire Garage may be discouraged to use the services of Spitfire Garage as they will need to drive under a bridge to access the site***

Response

The bridge is the same height as a motorway bridge. This has purposefully been incorporated into the design to allow access under by the vast majority of vehicles using the public highway.

5.39 ***Impact on the working environment experienced by Spitfire garage staff (overshadowing).***

Response

It is not considered that the impact of the proposed bridge link and the warehouse building will significantly harm the working environment of staff at Spitfire Garage.

5.40 ***The bridge will obscure the view of Spitfire Garage from Hazel Road and signage on Unit 11 will also be removed.***

Response

The application has offered to work with the owner of Spitfire Garage to re-provide signage to help customers locate the business. Planning conditions can also be added to secure this.

5.41 ***Fire risk from plastic product and pellets.***

Response

Fire risk is covered under separate legislation and the existing business will have procedures in place to protect their operation.

5.42 ***Noise generated by the automated bridge link between the automated storage facility and the factory building.***

Response

No objection to the automated bridge link has been raised by the Council's Environmental Health Officer and in the context of an existing industrial estate the proposal is not considered to be harmful.

5.43 ***Loss of employment from fork lift truck drivers no longer being need on site.***

Response

Although the automated warehouse will remove the need for employees in that space Siva will continue to need fork lift truck drivers. They will be required:

1. to move goods from the warehouse outlet to the waiting trucks;
2. to move finished goods/work in progress from the production hall to the bridge;
3. to move raw materials, engineering parts, consumables etc around the site.

In addition to the automated warehouse Siva are going to be holding racking in Spitfire House, which will also require the use of fork lift trucks. It is not anticipated that the development will result in a loss in staff employed by Siva Plastics.

Consultation Responses

5.44 **SCC Highways** – The data provided is considered to be acceptable. The current four applications do not generate additional trips. Support is given to the proposal on the basis of the supporting information including tracking diagrams, the specific transport statement for the bridge application 18/02087/FUL, the specific transport note for the logistics/monitoring office (18/01659/FUL), the combined transport statement submitted to support all applications and the submitted and amended operational management plan which also supports all of the applications currently under consideration. Accordingly please apply relevant conditions.

5.45 **SCC Flooding** – No objection from Flood Risk on the basis that sections 3.9, raising electrical sockets, and section 4.0 of the Flood Risk Assessment (18/02087/FUL) are conditioned.

5.46 **SCC Sustainability Team** – No objection and no conditions required.

- 5.47 **SCC Archaeology** – No archaeology conditions are required.
- 5.48 **SCC Environmental Health (Pollution & Safety)** – No objection to the installation of a boundary fence with entrance and exit gates fronting Hazel Road and part of access road. No objection to the construction of a transfer building and bridge subject to imposition of relevant planning conditions.
- 5.49 **SCC Environmental Health (Contaminated Land)** – No objection, apply recommended conditions.
- 5.50 **SCC Ecology** – No objection but bearing in mind how little landscaping there is on the site replacement planting is requested.
- 5.51 **Environment Agency** - There's been a history of reported incidents of pollution by plastic nurdles to the River Itchen - going back to at least 2011. However there are 3 companies in the area that use these nurdles to manufacture plastic products: Siva, Polystar Plastics and Ask. The Environment Agency have not been able to attribute beyond reasonable doubt a discrete incident was caused by one of these companies and therefore there has been no enforcement action taken. What we have done is visit all the companies and apply pressure to get them to improve pollution prevention procedures. Our most recent visit to Siva was August 2018, where we witnessed an improved picture - although not perfect. This visit was in response to a series of reported incidents around the same time and although some of the reporters alleged that it was Siva causing the incident we could not prove it.
- 5.52 **FIRE - Hampshire Fire & Rescue Service HQ** - Building Regulations: Access for Firefighting. Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations. Hampshire Act 1983 Section 12 - Access for Fire Service. Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations. Fire and Rescue Services Act 2004. The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.

6. **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
 - Impact on local businesses and highways;
 - Design and effect on character; and
 - Residential amenity.
- 6.2 **Principle of Development**
- 6.2.1 The site is allocated for industry and warehousing under policy RE110. Permitted uses are B1 (c), B2 and B8. The proposed development is considered to fit with the allocated use. The logistics office is ancillary to the main use and so is not considered to be a departure from the Plan.
- 6.2.2 With regard to application 18/01679/MMA as the proposed changes relate only to the appearance and scale/mass of the building and the layout dwellings the main

considerations are impact on the design and appearance of the scheme, and associated character of the area; and access/highway implications.

- 6.2.3 Since the grant of planning permission (ref:16/00844/FUL), some minor scheme changes have arisen. As a result, there are minor alterations required to the proposed height of the building which would increase by 0.5m (from 20m to 20.5m) removal of columns, reducing the size of the building footprint (from 2140sq.m to 1915sq.m [-225sq.m]) and increased canopy area, installation of a gate house and relocation of office/restroom/car parking. The application has also now been accompanied by tracking diagrams to demonstrate that the new layout can accommodate the movement of HGVs. On the site there would also be the capacity to accommodate 6 HGVs at the same time. On the site there would also be the capacity for 10 staff cars.
- 6.2.4 The principle of delivering linked development, through four planning applications, to support an existing business and its expansion/modernisation aspirations upon a site allocated for employment uses is supported.
- 6.3 Impact on Local Businesses & Highways
- 6.3.1 Concerns were raised at an early stage with regard to the impact of the expansion of Siva Plastics on the neighbouring businesses, and a previous application for the loading dock (17/01699/FUL) was refused for this reason. The retrospective nature of the development clearly had an impact on local businesses owing to the movement of HGVs accessing the loading dock. The current application for the bridge link, the previously approved warehouse building (now proposed to be amended by application 18/01679/MMA) and the logistics/monitoring office application seek to address this problem as supported the operational management plan.
- 6.3.2 As a consequence of the development fork lift trucks will no longer be needed to transfer materials and goods between the warehouse and the factory across Quayside Road. HGV movement will also be managed so that early arrivals will be directed away from the industrial estate to wait off site and less HGV manoeuvres will be required on Quayside Road as the unauthorised loading dock will no longer be necessary.
- 6.3.3 In terms of highways impact the applicant has worked with the local business community and the Council's Highway's Team in order to find the most suitable solution to the current disruption caused as a result of a number of businesses all reliant upon relatively high vehicle movements being located close to one another and having to manage those movements within an industrial estate with limited highways access. Ultimately conflict between business users in industrial estates and associated with highways access is not uncommon where those industrial estates are not specifically designed for the proposed uses. Overtime car ownership has also increased which has also placed further strain on the industrial estate in terms of allowing easy access for commercial vehicles. These applications seek to provide improved processes and site management and, on balance, are supported by officers for doing so given the existing problems raised by third parties.
- 6.3.4 It should also be noted that amended plans, and information, have been received to demonstrate that HGVs can enter and exit the site safely. The land owner could enforce restricted parking areas to reduce potential conflict if considered necessary

- 6.3.5 There is no requirement to maintain existing car parking spaces on the site. Provision of car parking spaces is a key determinant of transport choice. Provision and availability of car parking spaces does not promote sustainable modes of travel. The industrial estate is close to Woolston District centre where there is good access to public transport; it is not necessary to own a car to access the site.
- 6.3.6 It is also important to consider that the existing road's under stress from traffic, which effect local businesses, are not public highway; instead they are under private ownership and therefore the Council is limited in its control over those roads.
- 6.3.7 As previously noted the Highways Team are satisfied with the information provided to support the applications and subject to the operational management plan being conditioned, can support the applications.
- 6.3.8 The bridge is the same height as a motorway bridge and provided that the is signage informing drivers of its height there should be no negative impact on customers vehicles when visiting Spitfire Garage. Removal of fork lift truck movements on Quayside Road should also improve road safety along Quayside Road. As such the schemes are recommended for approval.

6.4 Design and effect on character

- 6.4.1 There are no objections to the proposal on the basis of design and impact on the visual amenity of the area. It should be noted that Siva Plastics have submitted amended plans replacing the lost landscaped area on the corner of Quayside and Hazel Roads. The scheme is not anticipated to significantly harm views out from Peartree Green, as was the case with the previous application for a building twice the height. As such, given the context of this development the proposed works are deemed to meet the requirements of the Development Plan.

6.5 Residential amenity

- 6.5.1 Previously the warehouse development, which was also automated, was not opposed on the grounds of noise impact. The Council's Environmental Health Team have also not opposed the scheme on the basis of noise. The visual impact on the proposed development is also considered acceptable when viewed from the closest residential properties. On this basis all four applications are considered to meet Local Plan policy SDP1(i).

7. Summary

- 7.1 Siva Plastics have proactively sort to overcome the concerns of local businesses when dealing with the current four applications. With the amended and additional information and, in particular, the operational management plan the officer's concerns have been mitigated. The Panel are asked to consider the four applications in turn, whilst recognising that they actually interlink and seek to improve the operational processes on this existing business.

8. Conclusion

- 8.1 It is recommended that all four planning applications are granted permission subject to the conditions set out below.