

**Planning and Rights of Way Panel 10/03/2020**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> Redbridge Business Park, Old Redbridge Road.			
<b>Proposed development:</b> Temporary retention of structure for a period of 3 years			
<b>Application number:</b>	19/00545/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Mat Pidgeon	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	20.05.2019	<b>Ward:</b>	Redbridge
<b>Reason for Panel Referral:</b>	Objection from 2 x local ward cllrs and 5 or more objections.	<b>Ward Councillors:</b>	Cllr Spicer Cllr McEwing Cllr Whitbread
<b>Applicant:</b> Mr J Rooker		<b>Agent:</b> Kingston Studio	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the impact on the character of the area and impact on nearby listed buildings 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 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, SDP9, SDP16, SDP17, HE3, REI10 and REI11 of the City of Southampton Local Plan Review (Amended 2015) and policies CS6, CS13 and CS23 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>	
1.	Development Plan Policies
2.	Relevant Planning History

**Recommendation in Full**  
**Conditionally approve**

## **1 Background**

- 1.1 This application is an application linked to Local Planning Authority reference 19/01973/FUL. Retrospective planning permission is being sought for a canopy structure erected without planning permission and which is being used in association with a vehicle valeting business operating from the site (units 9 and 10).
- 1.2 The application has been received as a consequence of an enforcement enquiry (received 03/01/2019) in relation to the unauthorised canopy structure.
- 1.3 Retrospective permission is sought as the canopy is considered to be essential to the viability of the business operation. The applicant has informed the Local Planning Authority that the canopy provides necessary cover against poor weather conditions which would otherwise prevent detailed vehicle valeting from taking place on site. The canopy allows both natural light into the valeting area and cover from wind and rain. The nature of the business (which employs a total of 15 staff) means that a well-lit covered space is needed to carry out the valeting process.
- 1.4 When considering the application it was discovered by the case officer that the use of the car valeting business was unlawful itself and therefore the application was placed on hold until the unlawful use was regularised. Accordingly the applicant has also submitted a change of use application for determination (19/01973/FUL) and this application is to be considered at the same Panel meeting.

## **2 The site and its context**

- 2.1 The application site lies on the western edge of Southampton approximately 5km from the city centre. The site is located on the southern side of Old Redbridge Road between the Totton bypass and the Redbridge Causeway (flyover). The wider area is characterised by a broad mix of residential and industrial uses although the site itself is industrial in nature.
- 2.2 The entrance to the site lies at a point on the Old Redbridge Road where the Redbridge Flyover over sails the road. The southern boundary of the site lies immediately adjacent to a railway line, beyond which is the River Test. Immediately adjacent to the north eastern boundary are residential properties and the car park of the Ship Inn. Adjacent to the eastern end of the site are more residential properties (flats) in Tate Court. The boundaries of the site comprise of 2.2m high steel palisade fencing.
- 2.3 The industrial estate itself extends approximately 0.374 hectares and comprises three main buildings, a single-storey pitched roof building adjacent to the north-east boundary (used mostly as offices), a large single-storey warehouse building adjacent to the southern site boundary and a smaller warehouse building also positioned on the southern boundary behind the larger one and obscured from view from the entrance.
- 2.4 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).
- 2.5 The application site for this unit of the industrial estate and measures approximately 300 sq.m.

- 2.6 There are five grade II listed buildings near to the application site: 65 Test Lane, 63 Test Lane (Store Cottage) and the Anchor Hotel are all to the north of the site on the other side of Redbridge Flyover/Caseway; and 45 and 47 Old Redbridge Road (Formerly Ivy House, No.45) and the Ship Inn, Old Redbridge Road are located to the east.
- 2.7 The application site lies within Flood Zones 2 and 3, which is land defined by the Planning Practice Guidance for the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change as having a high and medium probability of flooding.

### **3 Proposal**

- 3.1 Retrospective planning permission is sought for the retention of a canopy structure for a temporary three year period. The canopy structure is positioned on unit 10 and is formed of a tubular metal frame with purpose made cover to provide shelter from the wind and rain to ensure that a valeting service can be provided. The rear wall of the shelter is enclosed by waterproof scaffold hoarding which again serves to provide shelter from the weather. The front of the canopy is not enclosed so that as much daylight can be received to the work space as possible (note that the prevailing wind direction is from the west). The canopy has a curved shape and measures 3.5m to the eaves and 6.7m at its maximum height.
- 3.2 The business currently operating from the site does not offer valeting to the general public rather the vehicles which are valeted on site are being prepared for resale offsite. Vehicles are on site for a minimum of 4 hours. Unit 9 is currently being used to accommodate ancillary parking of vehicles and office accommodation although this unit falls outside of the application site and instead is subject to application 19/01973/FUL (change of use).

### **4 Relevant Planning Policy**

- 4.1 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.
- 4.2 The National Planning Policy Framework (NPPF) was revised in February 2019. 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.

### **5 Relevant Planning History**

- 5.1 The planning history of the site is set out at Appendix 2. 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 since at least the 1960’s.
- 5.2 Most recently planning permission 11/01506/FUL was approved for the overall site in January 2012 allowing the following 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)

- 5.3 Note that planning condition 2 of permission 11/01506/FUL specifically states: 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).

## **6 Consultation Responses and Notification Representations**

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice 16.04.2019. At the time of writing the report **seven** representations have been received from surrounding residents including two local ward Councillors.

- Ward Cllr McEwing has commented: *'I totally disagree with this planning application. It is out of keeping with the local area. This company seems to do as it pleases with disregard to the local community.'*
- Ward Cllr Whitbread has commented: *'I wish to object to the application. The structure was erected without permission in the first instance and I believe the structure is out of keeping with the location.'*

The following is a summary of the points raised:

- 6.2 ***The canopy structure is out of keeping with the location, surrounding buildings and residential area.***

### Response

The canopy is located within an industrial estate and whilst the canopy can be seen from nearby residential properties the design, size and form of the structure, being positioned within an industrial context and being adjacent to the Redbridge Causesway and Flyover is, on balance, not considered to be significantly harmful to the visual character of the area or local residential amenity.

- 6.3 ***The canopy is retrospective demonstrating the applicants' disregard for Southampton City Council and national planning legislation.***

### Response

The retrospective nature of the development and the behaviour of the applicant (by erecting a canopy without planning permission) is not a material consideration to be taken into account when determining the planning application. National planning legislation allows for retrospective planning permission to be sought and potentially granted.

- 6.4 ***Operating outside of the business hours allowed for the Business Park (after 6pm weekdays, after 13:00 Saturdays and Sunday.***

### Response

The application seeks permission for the canopy structure only and has not been submitted to assess the merits of the business operation taking place on site. It is however acknowledged that the canopy does facilitate the operation of the vehicle valeting business which is currently taking place on site. Any breach of condition can be investigated and this allegation has been passed to Planning Enforcement to resolve.

- 6.5 ***The business (in combination with other businesses within the industrial estate) generates additional parking on the adjacent public highway, Old Redbridge Road, to the detriment of highway safety and local residential amenity.***

Response

The application seeks permission for the canopy structure only. The canopy does facilitate the operation of the vehicle valeting business, and the use itself is considered under the separate application.

**Consultation Responses**

- 6.6 **SCC Environmental Health (Pollution & Safety)** – No objection - The issues of public concern appear to be in relation to traffic / road safety and there do not appear to be any issues of concern / complaints on record (usually noise issues from activities at the site) which fall under our purview therefore we have no objections to the application for the temporary retention of structure for a period of 3 years.
- 6.7 **SCC Heritage and Conservation** – No objection - This proposal relates to a canopy/roof erected over the site of a roofing business on a small site adjacent to the flyover at Old Redbridge Road. The site is a short distance away from Ivy House, a Grade II listed building. There are residential properties and the business park located in between the site and the listed building. I am therefore not concerned that the canopy detrimentally affects the setting of the listed building because there are already so many other buildings and structures which affect the setting more than this. I therefore raise no objection.
- 6.8 **SCC Highways** – No objection - I have had a look at recent accident statistics and there is no evidence before me to show that there are any patterns or indications that this particular site access has resulted in any accidents.

**7 Planning Consideration Key Issues**

- 7.1 The key issues for consideration in the determination of this planning application are:
- The principle of development,
  - Visual and residential amenity; and
  - Impact on nearby listed buildings.

Principle of development

- 7.2 There are no planning policies that would prevent the principle of a canopy structure being erected (or in this case retained) within an industrial estate which is bounded by residential properties and highway infrastructure.
- 7.2.1 In the event that the application for the use (Local Planning Authority Reference 19/01973/FUL is not supported by the Panel it doesn't automatically follow that the canopy should be refused also as this is physical development supporting the existing estate and is not necessarily connected to the proposed use.

Visual and residential amenity

- 7.3 The canopy structure has been erected away from boundaries with residential neighbours. The closest residential property is 36m from the application site. As such the structure does not create a sense of enclosure or have an overbearing impact on residential neighbours. The structure would also not cause any shadowing of neighbouring residential properties on account of the distance between the structure and neighbouring residential plots. Therefore it is

concluded that the structure does not have a significant direct impact on neighbouring residential amenity.

- 7.3.1 Indirectly the proposal does have an impact on nearby residential amenity given that the structure can be seen from properties positioned on the north side of Old Redbridge Road. Occupants of the neighbourhood are clearly able to see the structure when travelling past the site on Old Redbridge Road. The structure is however not deemed to be so harmful to visual amenity that it would justify refusing the application. Industrial estates are characterised by a variety of uses, boundary treatments and structures; and on the basis of the size and design of the structure it can be supported.

Impact on nearby listed buildings.

- 7.4 There are five listed building near to the site and none are clearly visible from the application site. From the listed buildings it would also be difficult to see the canopy. There are however positions on the public highway from where both the canopy and some of the nearby listed buildings are visible. The scale of the canopy, its location within an industrial estate and its juxtaposition with Redbridge Flyover and Redbridge Causeway however mean that the visual impact on the setting of the listed buildings is not considered to be harmful. Also, as highlighted by the Council's heritage and conservation officer, there are residential properties and part of the business park located in between the canopy and the listed building. Therefore, because there are already many other buildings and structures which have a greater impact on the setting of the listed buildings than the retrospective canopy the proposal is deemed to be acceptable having regard to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as supported by the NPPF.

**8 Summary**

- 8.1 The proposal is acceptable taking account of the nature and scale of the canopy, its position relative to nearby listed buildings, its position within an industrial estate and juxtaposition with Redbridge Flyover and Redbridge Causeway. The Council have also taken account of the economic benefit of the canopy to an existing business operation and local employment when considering the merits of the scheme. Furthermore the impact of the development on surrounding residential amenity is considered acceptable.

**9 Conclusion**

- 9.1 It is recommended that planning permission be granted subject to relevant conditions.

**Local Government (Access to Information) Act 1985**

**Documents used in the preparation of this report Background Papers**

1. (a) (b) (c) (d) 2. (b) (d) 6. (a) (b)

**MP for 10/03/2020 PROW Panel**

**PLANNING CONDITIONS**

**1. Time Limited (Temporary) Permission Condition (Performance)**

The development hereby approved shall be removed either on or before the period ending three years from the date of this decision notice. After this time the land shall be restored to their former condition, or to a condition to be agreed in writing by the Local Planning Authority prior to this time.

Reason: To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for the development in order to monitor the use in relation to residential amenity.

**2. 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.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS6 Economic Growth

CS13 Fundamentals of Design

CS23 Flood Risk

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development

SDP7 Context

SDP9 Scale, Massing and Appearance

SDP16 Noise

SDP17 Lighting

HE3 Listed Buildings

REI10 Industry and Warehousing

REI11 Light Industry

Other Relevant Guidance

The National Planning Policy Framework (2019)



**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 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.	Refused 07.06.2011
11/01506/FUL 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).	Conditionally Approved 26.01.2012