

Planning and Rights of Way Panel 6th October 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: Itchen Business Park, Kent Road, Southampton			
Proposed development: Use of land for the storage of pallets; fencing, siting of cabins and storage container. (Retrospective).			
Application number:	20/00954/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	5 minutes
Last date for determination:	23.10.2019	Ward:	Portswood
Reason for Panel Referral:	Request by Ward Member & five or more letters of objection have been received	Ward Councillors:	Cllr Mitchell Cllr Savage Cllr Cooper
Referred to Panel by:	Cllr Savage	Reason:	Impact of HGV's on highways network and residential amenity.
Applicant: Palletmove Ltd.		Agent: Goadsby Planning & Environment	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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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 impact on the highway network and residential amenity 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, SPD9, SDP16, NE1, NE2, NE4 and NE5 of the City of Southampton Local Plan Review (Amended 2015) and policies CS7, CS13, CS18, CS19, CS22 and CS23 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached	
1	Development Plan Policies.
2	A simplified guide to lorry types and weights

Recommendation in Full

Conditionally Approve

1. Background

- 1.1 This retrospective application has been submitted following a planning enforcement enquiry from June 2020. The enquiry was initiated as a result of alleged harm caused by large/heavy commercial vehicles, associated with the proposed storage use, using Kent Road to access and egress the site and site access is the principal issue for consideration of this planning application.
- 1.2 *It should be noted that lorries are permitted to use any classification of road for access and deliveries.* HGVs currently use Kent Road to service the Wastewater treatment works, business premises within Itchen Business Park and to serve housing within the street (deliveries/removals/refuse collection). There are no parking restrictions within Kent Road and vehicles can park on either side of the street, however any vehicle owner parking in a manner that obstructs the flow of traffic (including any vehicles permitted to use the road), is at risk of a penalty fine under Section 137 of the Highways Act 1980. It is understood that TRO parking restrictions could be introduced to remove some kerbside parking from Kent Road to ensure parked vehicles do not obstruct all permitted vehicles using Kent Road, however such a measure would require public consultation with local residents and does not form part of this recommendation.
- 1.3 This report refers to a number of different standard vehicle sizes (on the basis of the number of axels) and for clarity a simplified guide to lorry types and weights from the Drivers and Vehicle Standards Agency is provided at **Appendix 2**.
- 1.4 The business 'palletmove', which operates out of the application site, has used vehicles with 2 axels (which do not need a heavy goods vehicle driver's licence) for the vast majority of its transportation of pallets to and from the site. Whilst there have been occasions when vehicles with more than two axels have serviced the business the operators are confident that their business can operate with a restrictive planning condition preventing the servicing of vehicles with more than two axels. Palletmove have operated from the site for approximately 4 years (since November 2016).
- 1.5 The planning application seeks a change of use from car parking for cruise liner and airport customers (granted by permission 03/01020/FUL) to storage and distribution (use class B8).
- 1.6 Adjacent to the site is another plot within the business park which is also the subject of a retrospective planning application for a warehouse and distribution use, which is currently pending (application ref 19/01469/FUL). This second business is operated by Bryonswell which collects donated clothes and textiles for resale. This business uses articulated vehicles (3 axels or more) to transport sorted goods to continental Europe and a decision on this scheme is expected shortly.
- 1.7 To the north of the site is Portswood Waste Water Treatment Works. The works benefit from a historic planning permission whereby there are no restrictions on the type/size or number of vehicles used to service the site.

2. The site and its context

- 2.1 The site is formed of part of the former Portswood Waste Water Treatment Works that has since become the Itchen Business Park, which alongside the Portswood Waste Water Treatment Works is accessed from Kent Road. The site was formally used for the parking of vehicles for cruise liner and airport customers. The site has a hard

surface and is bounded by 2m high palisade fencing and measures approximately 0.12 hectares.

2.2 The site topography is flat and fronts an access road that connects with Kent Road and Saltmead, to the west. It also faces Leornian House, which is comprised of commercial businesses and a community use. The four other operators within the Business Park are:

1. Ash creative wireless electronics,
2. Wessex drivability, a charity who specialise in helping disabled or those with a disability to drive independently,
3. Covenant Church; and
4. Bryonswell – subject of the pending application 19/01469/FUL

2.3 The site is situated within the northern part of Portswood, immediately to the west of the River Itchen. To the north are filtration tanks and an open area used by Southern Water. The Southampton to London railway line is to the west. There are houses to the south, accessed from Saltmead. This also provides access into the site. Kent Road is a narrow resident's street which links to the arterial St Denys Road (A3035) to the south and to Portswood Road to the north via a railway and road bridge. There is a height restriction for vehicles passing under the railway and road bridges to the north of 8ft 9in (2.6m).

2.4 To the south is an area of mature landscaping, beyond which is the residential estate of Saltmead located 25m to the south.

2.5 Narrow residential streets surrounding the site result in a high percentage of parked vehicles straddling the pavement. Kent Road is the main vehicle route used by large commercial vehicles associated with Southern Water's waste water treatment works and other commercial vehicles, including large vehicles (three or more axels) visiting the business park.

3. Proposal

3.1 Retrospective planning permission is being sought for the change of use of the land from surface parking for cruise liner and airport customers (*sui generis use*), to a storage and distribution use (class B8) which supports 6 full time jobs. Palletmove was established in 2015 and specialises in the supply of pallets across Southern England. Currently the company are the main source of pallets to the NHS and NHS related businesses.

3.2 The site principally accommodates pallets, stacked in groups behind a security fence and gates. There are also three cabins, in use as offices, and a shipping container. One of the cabins is stacked on top of the other. As well as the change of use permission is also being sort for the cabins, container, security fence and gates.

3.3 The application site is used by the applicants for storing specialised pallets; these are either an unusual size or are used for medical/pharmaceutical supplies. Pallets are constructed of either timber or plastic. Ordinarily the pallets are distributed from one user location directly to another, without ever reaching the Southampton site. Some of the pallets that are stored on site are of unusual sizes for specialised industries. Palletmove's work is with charities, government owned facilities, and the pharmaceutical industry. They often help with local sports events, as well as supplying and clearing festivals.

3.4 The business operates from 9am to 4pm and, typically, no staff are on site outside of

these hours. No members of the public/customers visit the site. Generally most vehicle movements are between 10:00 AM and 03:00 PM to avoid peak traffic hours and thus improve efficiency. The site is open on weekdays only 09:00 AM – 04:00 PM and there is no weekend working.

- 3.5 The pallets are generally stored to a height of 4.5m. This equates to approximately 30 pallets at its maximum. The number of stacks varies, and they are generally located around the main gate. This is also the area for loading / unloading; and vehicle storage at night if necessary.
- 3.6 The number of vehicles that enter the yard is an average of two per day; i.e. four vehicle movements – although on some days there are none. Palletmove has different vehicles for different purposes. They currently own four x 3.5 tone (2 axels) light goods vehicles. Three are of flatbed design and one is a ‘Luton’. A Luton van is a covered van which is required to keep pallets dry.
- 3.7 Larger vehicles than 3.5 tonnes are used to service the business, however the maximum size required would still be limited to 2 axels. Palletmove do however have an operator’s licence to permit heavy goods vehicles to use the site, but have chosen not to take advantage of this as it is regarded not necessary for the running of the business.

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 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.
- 4.3 The National Planning Policy Framework (NPPF) states in section 6. ‘Building a strong, competitive economy’ paragraph 80: *‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’*
- 4.4 Paragraphs 109 and 110 of the NPPF sets out clear circumstances when planning applications should be prevented or refused on highway grounds indicating:

‘109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

110. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for*

bus or other public transport services, and appropriate facilities that encourage public transport use;

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'*

4.5 The site is not safeguarded for any use within the Development Plan. The adopted proposals map does however define the site as 'open riverside character' (Local Plan Policy NE5 ii relates). NE5 ii states that development is not permitted if it would cause damage to the open character of the riverside and landscape.

5. Relevant Planning History

5.1 The earliest planning history for the site, detailing the use as a waste water treatment works, held by the City Council, is 1959 whereby an extension to the existing works was approved.

5.2 In 1973 permission was granted for a training centre associated with the waste water treatment works (1458/C10). The training centre took the form of the buildings at the southern end of the site. Those buildings are now occupied by a place of worship approved in 2008 (07/01989/FUL), 'Ash' a wireless electronics company, Wessex drivability, a charity who specialise in helping disabled or those with a disability to drive independently and the site/unit which is the subject of this retrospective application.

5.3 Planning permission 960043/7072/W was granted on 12th March 1996 for the change of use of part of the wastewater treatment works site to an area proposed for the storage of materials and plant and operated by 'Pipeworks Ltd. The permission was granted having consideration to the applicant's personal circumstances and accordingly a restrictive condition was added so that the operation of the site for vehicle parking and material/plant storage could occur only for the benefit of 'Pipeworks' (condition 3 refers). Other conditions were also applied, including hours of use.

5.4 In 2013 retrospective planning permission was granted for part of the former waste water treatment works to be used as an area for car parking for cruise ship and airport passengers (13/01020/FUL). The application covered the site area associated with the Pipeworks consent as well as an additional area to the south east. Condition 3 specified that the use allowed the parking of a maximum of 125 cars and for the car parking layout to be in accordance with the submitted and approved plans.

5.5 Once the car parking for cruise ship and airport passengers use of the site had ceased part of the open storage area previously used for vehicle storage became occupied by McNicholas Construction Services Ltd. McNicholas used the site for the storage of construction related equipment and vehicles needed to service their development projects within the local area/region. This use didn't secure the correct planning consents.

5.6 A planning enforcement notice (EN), dated 1st December 2017, was served on McNicholas as the Council considered that a breach of planning control had occurred in the past 10 years. The breach of permission being the use of the land for the storage

of plant, equipment and vehicles (B8 use) rather than the permitted storage of cars associated with cruise ship and airport customers (*sui generis* use).

- 5.7 The enforcement notice was appealed by McNicolas, however the appeal was dismissed by the inspector who agreed with the council that there had been a breach of planning control on the site on the basis that car parking for cruise ship and airport passengers is a *sui generis* use. The Inspector did not consider the merits or otherwise of the site's vehicular access.
- 5.8 Part of the waste water treatment works site was also proposed to be re-developed into 41 dwellings in 2007 however the application was not supported.
- 5.9 Within the waste water treatment works itself there have recently been two planning applications that have been approved by the Planning and Rights of Way Panel. The first, in June 2018, was granted for the construction of a 20 Mega Watt gas standby facility and in January 2020 planning permission was granted for the construction and operation of a motor control centre kiosk, poly dosing kiosk and polymer powder handling kiosk (3 detached buildings) These developments facilitated the operation of two centrifuges which removes water from sewage thus reducing its volume prior to further processing and disposal. Within the application approved in January 2020 it was confirmed that there would be a total of 24 HGV trips associated with the improved dewatering process on site (12 in and 12 out) per week. The use of the infrastructure was set to start in April 2020 given that that date would see the end of the operational lifespan of the existing barge used to transport liquid waste (sewage sludge).
- 5.10 Retrospective planning permission has also been applied for the neighbouring site to the east, which is being used in association with the business 'Bryonswell' (19/01469/FUL). At the time of writing the report a decision had not been made.

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 (144 neighbour letters were sent given that site access affects more than just the immediate neighbours), and erecting a site notice 14.08.2020. At the time of writing the report **8 representations** have been received from surrounding residents within Kent Road as well as an objection and Panel referral by Ward Councillor Savage. The following is a summary of the points raised:

- 6.2 ***Kent road and Priory road cannot support the weight and size of large/heavy commercial vehicles (in particular articulated vehicles) resulting in damage to roads, private vehicles and houses. The company has frequently used articulated vehicles and says it will not use articulated vehicles in the future however there is nothing to stop them doing so. Vehicle speeds also generate noise and vibration.***

Response

- Damage to houses and cars locally cannot be categorically attributed to traffic associated with the business. Residents would need to settle any disputes with businesses as a civil matter.
- The Highways Development Management Team do not object to the application on the basis of road damage. There are no weight restrictions or limits on local roads preventing access by large/heavy commercial vehicles
- The anticipated number of large/heavy commercial vehicles visiting the site is not considered to be significant when judged against, and in tandem with, the

number and size of southern water related tankers visiting the site.

- A planning condition limiting the size of vehicles to 2 axels can be applied and has been agreed by the applicant.
- Driver behaviour, and highway laws, rather than planning permission, will control traffic speeds.
- Separate legislation is used to enforce traffic speed.

6.3 ***The need for large vehicles to access the site results in private vehicles being parked on the pavement causing an obstruction. Pram and wheelchair users must use the road resulting in reduced highway safety. The council and police do not enforce against this behaviour.***

Response

- Larger vehicles are permitted to use Kent Road for access, refuse collection, and deliveries. There are no parking restrictions within Kent Road and vehicles can park on either side of the street – see Background section above.

6.4 ***Impact of potential Active Travel Zones - increasing the number of vehicles using Kent Road.***

Response

- The Council is exploring the implementation of an Active Travel Zone in the area. The main changes that are relevant to the application will prevent vehicles from passing under the railway bridge and using Kent Road/Priory Road as a short cut. The purpose of the Active Travel Zone is to stop the route from being used as a vehicular ‘rat run’ avoiding the St Denys Road/Thomas Lewis Way traffic light junction. The active travel zone, whilst resulting in commercial vehicles needing to use Kent Road, will also prevent rat running within this residential area and so the proposals are not anticipated to result in a significant increase of traffic on Kent Road.

6.5 ***The site, its access and the location was not designed for large/heavy commercial vehicles.***

Response

- As explained in the Planning History section above this estate, like many others across the City, has evolved and expanded over decades and will have different demands placed upon it to when it was first developed. The application is to be determined on the unique set of characteristics and merits that prevail today.
- The business has agreed to a condition preventing the use of vehicles with three or more axels from servicing the site and this is a material consideration in the officer’s considered recommendation to the Panel.
- The majority of the business operations associated with pallet movement to and from the site is associated with 3.5 tonne vehicles.
- As above, large vehicles including HGVs are permitted to use any classification of road for access and deliveries and Kent Road is no exception to this.

6.6 ***The road is frequently gridlocked.***

Response

- The commercial vehicles operated by Palletmove are a small proportion of overall number of vehicles using Kent Road and they business avoids servicing movements during peak traffic times of the day.

6.7 ***Impact of traffic generated noise and air pollution.***

Response

- Provided that vehicles are limited to two axels it is considered that significant harm in terms of noise, will not be caused.

- Separate legislation is used to manage air pollution from vehicles.

6.8 **Number of Pallets stored on site and fire safety (especially out of business hours). Number of pallets stored on site should be limited and measures to prevent fire undertaken.**

Response

- Separate legislation covers fire risk.

Consultation Responses

6.9

Consultee	Comments
Highways Development Management	<p>No objection on highways safety grounds or congestion.</p> <p>It should also be noted that SCC Highways are exploring the installation of an Active Travel Zone (ATZ) in the St Denys area. ATZs are community led proposals to improve areas through urban realm, better walking and cycling connections and repurposing road space to make a more liveable community. The aim is to implement the agreed ATZ in October 2020. Reducing rat running/short cuts will improve the highway environment on Kent Road by reducing vehicle numbers.</p>
SCC Sustainability (Flooding)	<p>The site is located within Environment Agency flood zone 3 for high flood risk, this means that the site is at risk of present day flooding from a 1 in 200 year (0.5%) or greater flood event. No objection subject to a condition to anchor the container to the ground. Also advisable to sign up to the Environment Agency's flood warning service at https://www.gov.uk/sign-up-for-flood-warnings. It is also advisable to produce a Site Flood Plan, advising staff and those using the site on what to do in the event of a flood and include flood resilience measures.</p>
Health and Safety Executive (HSE)	<p>The proposal falls outside of HSEs remit and is not a statutory consultee unless hazardous substances are involved.</p>
SCC Refuse Team	<p>Standard sized 26 tonne refuse collection vehicle is used to service the properties on Kent Road. Residents do tend to park straddling the pavement on collection days. The refuse management team do have a narrower vehicle used to service roads which are difficult to access with the standard sized vehicle although this is not deemed necessary for Kent Road (north) at present.</p>

7 Planning Consideration Key Issues

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

- i. Principle of development.
- ii. Character and appearance; and neighbouring amenity.
- iii. Parking, highways and transport.
- iv. Economic growth.
- v. Flooding.
- vi. Ecology.

Principle of Development

7.2 The site is not safeguarded for any use within the Development Plan. The adopted proposals map does however define the site as 'open riverside character' (Local Plan Policy NE5 ii relates). NE5ii states that development is not permitted if it would cause damage to the open character of the riverside and landscape. The proposal is not deemed to be at odds with policy NE5 ii in principle. The scale of the proposal and whether or not it can be seen from the public realm surrounding the River Itchen will determine if the scheme is contrary to that policy. Officers consider the proposals (storage of pallets; refuse bins, fencing, siting of cabins and storage container) to be limited in their scale and will not be harmful to the visual quality of the public realm surrounding the River Itchen (as discussed in more detail below).

7.3 With no underlying policy protection for use of the site as a non-residential training centre this suggests that in policy terms the principle of changing away from this use is acceptable. The creation of 6 jobs is also relevant to this conclusion.

Character and appearance; and neighbouring amenity

7.4 The land is within the Itchen Business Park which is accessible to the public; the site cannot however be seen clearly from outside of the Business Park.

7.5 The nearest residential dwellings are 25m to the south at Saltmead. There are mature trees situated along the southern boundary of the business park. These act as a visual screen. The scale of the storage stacked pallets, refuse bins, containers & cabins will also not harm visual amenity achieved from nearby residential properties and no objections have been received on this basis.

7.6 By the nature of the storage use, the noise generated on site comes in the form of vehicle and pallet movements including delivery vehicles and fork lift trucks. Owing to these noise sources and the distance from residential properties there is little noise generated that would adversely impact residential amenity. Again no objections have been received on the basis of noise generated whilst vehicles are being loaded and unloaded and/or when pallets are being moved around on site.

7.7 The business model used by Palletmove does not rely on bulk transportation of goods therefore large commercial vehicles with three or more axels are not required to service the site. The applicant is happy to accept a planning condition to this effect. The majority of trips made in association with the business is by the four 3.5 tonne vehicles

owned by Palletmove. Three are flatbed trucks and they also operate an enclosed Luton Van for specialist pallets which need to remain covered from the elements.

- 7.8 Larger vehicles than 3.5 tonnes are used to service the business however the maximum size required would still be limited to 2 axels. Palletmove do also have an operator's licence to permit heavy goods vehicles to use the site, but have chosen not to take advantage of this.
- 7.9 In the recent past (8th September) a large commercial vehicle with three or more axels has visited the site. The error was caused as one of the site managers was on sick leave and the usual operating procedure was not followed by the temporary replacement. Since the error the staff have been reminded that articulated vehicles are not to be used to service the site.
- 7.10 The business operates on average 2 deliveries per day so this results in a total of 4 journeys on Kent Road (2 in and 2 out). The business operates outside of peak traffic hours and have a working day during which deliveries are made of between 10:00 AM and 03:00 PM to improve transport efficiency and prevent drivers from being stuck in traffic. The site is open on weekdays only 09:00 AM – 04:00 PM and there is no weekend working. Restricting the hours of operation to those times would limit the impact of traffic generated by Palletmove on the residents of Kent Road, many of which use their vehicles between 10:00AM and 3:00PM leaving the road less heavily parked. As such the operation of the Palletmove vehicles potentially has less impact than vehicles using the road at any time of the day or night.
- 7.11 On the basis of this information the operation would seem reasonable in terms of impact on residents on Kent Road. This is also assuming that drivers behave responsibly and do not exceed traffic speed limits. The Local Planning Authority must also plan for reasonable and lawful behaviour including driver conduct. Furthermore consideration is given to the other vehicles that currently use Kent Road to access the Business Park and the waste water treatment works which include articulated vehicles with three or more axels.
- 7.12 It would not be practical to restrict the operation to a specific number of vehicle trips per day/week as it would be difficult to monitor and enforce. It is judged that the size of vehicles used is sufficient to prevent significant harm. The effect of the potential active travel zone would also be to reduce overall traffic numbers in Kent Road by preventing rat running/short cuts though the area.
- 7.13 The potential for an active travel zone will reduce the likelihood of the area to be used as a rat run/short cut. The benefit will be preventing commercial vehicles other than those associated with businesses and Southern Water, based in the business park, from regularly needing to access Kent Road.

Parking highways and transport

- 7.15 There are no weight restrictions on Kent Road for vehicles and there is no method to prevent vehicles with three or more axels from using the road. Pavement and road obstruction is managed by highways act with prosecution as necessary. No objections have not been received from the Highways Team on the basis of congestion, highway safety, road damage or highway obstruction. It is also the Highways Authority who are responsible for maintaining the quality of the road surface.
- 7.16 There are other larger commercial vehicles that use Kent Rood, most notably those used by Southern Water to remove sewage sludge after the processing of raw sewage

as well as refuse collection vehicles. These will also cause vehicle owners living on Kent Road to park straddling the pavement. On this basis it is difficult, as a result of the application proposal, to attribute significant harm in highways terms and in particular highways safety and congestion.

Economic Growth

- 7.17 It must be recognised that the business provides local employment which helps to achieve economic growth. The business also makes good use of the available land. The negative impact of this development must be weighed against this in the planning balance. Owing to the position of the site and the size of vehicles used to service the business being limited to no more than two axels the application is not judged to cause sufficient harm to other neighbouring businesses to justify refusal. Furthermore none of the other businesses in the business park have objected to the application.

Flooding

- 7.18 No objection has been raised on the basis of flooding from the City Council's Flooding Risk team or the Environment Agency.

Ecology

- 7.19 No objection has been raised, written comments are expected to be updated at planning panel as provided by the Councils Ecologist.

8 Summary

- 8.1 The retrospective application for a change of use to storage and distribution hinges on the suitability of Kent Road to service the demands of the use. Residents in Kent Road, supported by ward Cllr Savage, have provided deputations that the use is not appropriate. Officers consider that certain controls can be used to limit the impacts and, due to the limited scale of the business, the impacts proposed are within tolerable limits. For instance, it is deemed acceptable to limit the benefits of the planning permission to the current operator (personal consent) the purpose being to ensure that strict control over the operation is achieved as more harmful storage and distribution uses could otherwise potentially move in without further assessment by the Local Planning Department and cause a greater harm to that considered acceptable. Operational hours can also be conditioned to help reduce impact on residential amenity at peak traffic times of the day. The number of vehicle trips per day is not however enforceable as the site cannot be monitored sufficiently frequently to check this, however a condition restricting the larger vehicles is considered to meet the necessary tests for imposing a planning condition.

- 8.2 In coming to this decision officers have balanced the limited identified harm caused by traffic associated with the business on Kent Road residents against the economic growth, employment and the efficient use of the site. This recommendation has also been made having regard to the size of vehicle considered necessary by the business operators and reasonable and enforceable planning conditions that can be used to limit impact. Consideration has also been made to the other business operations in the Business Park and Southern Water's operation of the waste water treatment works and their associated vehicle movements and the Panel will note that the Council's Highways Team have not objected to the application, the proposed access, or the use of Kent Road for larger servicing vehicles.

9 Conclusion

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

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) (f) 6. (a) (b)

MP for 06/10/2020 PROW Panel

PLANNING CONDITIONS

1. Approved Plans [Performance Condition]

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.

2. Restricted Use [Performance Condition] – personal consent

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details (storage associated with the business Palletmove Ltd and ancillary office accommodation) and not for any other purpose, including any other use within Use Class B8 use class without further permission from the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents; and to enable a further assessment should further/alternative employment uses/businesses seek to operate from this site.

3. Hours of Use [Performance Condition]

The use hereby approved shall not operate outside the following hours:

08.00 - 16.00 Mon - Fri.

And at no time on Saturdays and Sundays

Reason: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents.

4. Business operations location restriction [Performance Condition]

In accordance with the approved plans the business operation on site (Palletmove Ltd) to which this permission relates shall at no time operate (including loading/unloading, storage and parking) outside of the fenced enclosure of the site and in particular (for avoidance of doubt) shall not spill out onto the shared access road within the Business Park and which leads to the adjacent Portswood Waste Water Treatment Works.

Reason: To avoid congestion and obstruction of the adjoining access road which might otherwise occur because of overspill caused by the business operation.

5. Restricted use of vehicles with three or more axels from servicing the site [performance condition]

No vehicles with three or more axels shall be used on the site or used to service/deliver to or from the site (including the transportation of pallets) in associated with the business operation hereby approved.

Reason: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents.

6. Refuse & Recycling (Performance Condition)

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved (outside of the fenced and gated site boundary).

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby business properties and access into the Portswood waste water treatment works; and in the interests of highway safety.

7. Flood Resilience measures (within 1 month)

Within 2 months of the date of this permission the applicant shall provide details of flood resilience measures covering the listed points below. Once approved in writing by the Local Planning Authority the agreed measures shall be provided on site within 6 months of the date of this permission and shall thereafter be retained as approved.

- o Details of measures that will ensure that the cabins and storage container will remain anchored to the ground in the event of a flood.
- o Details of appropriate flood resilience measures including all electrical equipment and wiring raised 300mm above the 1 in 200 year flood event level of 4.1mAOD.

Reason: To avoid the risk of the cabins and storage container floating in the event of a flood and to ensure the building remains safe should potential flooding occur.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP16	Noise
SDP17	Lighting
NE1	International Sites
NE2	National Sites
NE4	Protected Species
NE5	Intertidal Mudflat Habitats
REI10	Industry and Warehousing
REI11	Light Industry

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)