

Planning and Rights of Way Panel 20th April 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: Redbridge Business Park, Old Redbridge Road, Southampton			
Proposed development: Retrospective change of use of units 4, 5 & 5a) to class B2 (vehicle preparation and spraying) and 2 x external flue extraction systems.			
Application number:	20/01608/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	5 minutes
Last date for determination:	16/04/2021 (Extension of Time 27 th April 2021)	Ward:	Redbridge
Reason for Panel Referral:	More than 5 objections have been recieved.	Ward Councillors:	Cllr Spicer Cllr McEwing Cllr Whitbread
Applicant: Mr J Rooker		Agent: Kingston Studio	

Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report.
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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 the impact on the character of the area, impact on nearby listed buildings and impact on local residential amenity (noise and odour) 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, SDP15, SDP16, SDP17, SDP18, 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).

Appendix attached	
1	Development Plan Policies.
2.	Relevant Planning History.
3.	Plan showing approved industrial estate layout and uses by 11/01506/FUL.
4.	Decision Notices: 11/01506/FUL, 19/01973/FUL & 19/00545/FUL.
5.	Minutes of panel meetings 17 th January 2012 - 11/01506/FUL 10 th March 2020 - 19/01973/FUL & 19/00545/FUL

Tables included	
1	Approved layout, uses and hours of operation.
2	Existing layout, uses and hours of operation.

Recommendation in Full

Delegate to the Service Lead – Infrastructure, Planning & Development to grant planning permission subject to the planning conditions recommended at the end of this report and receipt of no objection from Network Rail following consultation.

1 Background

1.1 Planning permission is being sought for the change of use of units 4, 5 & 5a from general storage purposes (Use Class B8) to vehicle preparation and spraying (Use Class B2). The application follows two other retrospective applications determined at planning panel on 10th March 2020 (19/01973/FUL & 19/00545/FUL) for change of use of units 7, 8, 9 and 10 from storage and distribution to allow storage, washing and valeting of vehicles along with canopy structure required to facilitate the operation. Both applications were granted subject to planning conditions; **Appendix 4** includes the decision notices for these approved schemes and **Appendix 5** includes the panel minutes of the relevant meetings. Both the proposed vehicle preparation and spraying use and the approved storage, vehicle washing, and valeting use are associated with the business 'Pit Stop Service'.

1.2 Pit Stop Services' customer's vehicles are pressure washed within the boundary of units 7 & 8 (previously retained as a vehicle turning area by application 11/01506/FUL) before detailed internal and external valeting takes place (including waxing and polishing) within the area covered by the canopy structure (unit 10). Unit 9 is currently being used to accommodate ancillary parking of vehicles and office accommodation. A total of 26 vehicles can be parked on site and typically six are valeted per day.

1.3 Planning conditions applied to the valeting service include:

- Hours of use: 08.00 - 17.00 Mon – Fri, 08.00 - 13.00 Sat and at no time on Sundays.
- Turning space retained at all ties in the site for a 7.5 tonne vehicle.
- Storage on site of no more than 25 cars in accordance with approved

plans.

- All business-related vehicles to remain on site (including staff and those awaiting collection and/or servicing).
- Water management plan/trade effluent discharge licence required.

1.4 Since the determination of applications 19/01973/FUL & 19/00545/FUL enforcement action has proceeded in relation to the breach of conditions 5 and 6 (onsite vehicle parking only/ On site vehicular parking). This has led to a prosecution by Southampton City Council and the hearing date is due for 7th May 2021.

1.5 Condition 8, relating to water/trade effluent management, has also not been discharged however the Council is in receipt of an application and are working with Southern Water to resolve this matter.

1.6 The paint spraying operation itself takes place further to the rear of the site than the valeting operation, and within two fully enclosed spray booths positioned inside one of the larger warehouse/industrial style buildings.

1.7 Complaints were initially received by the Council's Environmental Health Team in connection with the odour and health implications of the car spraying operation taking place within units 4 and 5. When initially responding to the complaints Environmental Health were not able to visit the homes of complainants due to covid-19 however residents were able to complete diary sheets to record incidents of odour/fumes. The results of those surveys showed both frequency and duration were not significant enough for further action to be deemed necessary from a public health perspective. The breach of planning control was however raised with the Council's Planning Enforcement Team who engaged with the applicant and invited a planning application rather than issue a stop notice. This planning application enables the environmental impacts of this operation to be assessed with the opportunity to secure mitigation to make the operation acceptable in planning terms or for the scheme to be refused if any harmful impacts cannot be adequately mitigated.

1.8 Whilst officers do not condone retrospective action the Council's Enforcement Policy explains that enforcement action will be held in abeyance whilst a planning application is determined.

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 Business Park 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 Planning permission was granted in 2012 for a change of use of the Business Park from the previous use of the site (manufacture & sale of timber sheds) to use for painting contractor's 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. The companies which operated from the site were diverse in nature and in planning terms were a mixture of Use Class B1 (offices), Use Class B2 (General Industrial) and Use Class B8 (Storage and Distribution). The 2012 permission included a condition specifying the uses and hours of operation allowed; these are summarised in Table 1 below. A plan showing the previously approved industrial estate layout, including uses, is also included as **Appendix 3**:

Table 1: Approved layout, uses and hours of operation (11/01506/FUL).

Unit No.	Business operator/type	Use Class	Hours of operation
1	Office	B1 (Business [including office])	Monday – Friday: 8am – 6pm.
2	MOT and car repairs (restricted by condition)	B2 (General Industry)	Saturday 9am – 1pm.
3	TJM recyclers	B8 (Storage and Distribution)	No time on Sundays or Bank Holidays.
4 - 6	Sheet metal/acoustic panel manufactures		
7 - 9	Scrap Metal and scaffolding storage		
10	Commercial vehicle storage		

2.5 However, it should be noted that following a site visit associated with applications 19/01973/FUL & 19/00545/FUL the existing site arrangement and operation does not strictly accord with previously consented schemes and the table below reflects the actual business operation existing on site currently. The breaches of permission were subsequently referred to the planning Enforcement Team for further investigation resulting in the submission of this current retrospective application.

Table 2: Existing layout, uses and hours of operation.

Unit No.	Business operator/type	Use Class	Hours of operation
1	Office	B1 (Business [including office])	Monday – Friday: 8am – 6pm.
2	Our Soles (Safety and work place supplies)	B2 (General Industry)	Saturday 9am – 1pm.
3	JPS Scaffolding	B8 (Storage and Distribution)	No time on Sundays or Bank Holidays.
4, 5 & 5a	Pit Stop Service - vehicle preparation and spraying). (20/01608/FUL)	B1(c)	08.00 - 17.00 Mon - Fri. 08.00 - 13.00 Sat And at no time on Sundays (recommended to tally with use of units 7 - 10).
6	Our Soles (Safety and work place supplies)	B8 (Storage and Distribution)	Monday – Friday: 8am – 6pm. Saturday 9am – 1pm. No time on Sundays or Bank Holidays.
7 - 9	Pit Stop Service (Vehicle Storage and ancillary office)	B8 (Storage and Distribution)	08.00 - 17.00 Mon - Fri. 08.00 - 13.00 Sat And at no time on Sundays
10	Pit Stop Service (Valeting)	B1(c)	08.00 - 17.00 Mon - Fri. 08.00 - 13.00 Sat And at no time on Sundays

2.6 The application site itself is formed of units 4 – 5 (as identified in **appendix 3**) of the Redbridge Business Park and measures approximately 538 sq.m.

2.7 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/Causeway; and 45 and 47 Old Redbridge Road (Formerly Ivy House, No.45) and the Ship Inn, Old Redbridge Road are located to the east.

2.8 The site is within Flood Zone 2 and 3.

3 Proposal

3.1 Retrospective planning permission is sought to retain the use of units 4, 5 & 5a for activity defined by the Use Classes Order as B2 use. It is noted that class B2 covers industrial process which cannot necessarily be carried out in residential areas without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit and, therefore, control in the form of planning conditions to mitigate impact will be needed. Use of units 4, 5 & 5a for this industrial process constitutes a change from the existing authorised use of these buildings for storage purposes (within use class B8).

3.2 The business (Pit Stop Service) is currently operating from the site does not offer valeting or paint spraying to the general public; rather vehicles are valeted and sprayed, if necessary, whilst being prepared for resale. Vehicles that require bodywork re-spray work will also require valeting prior to resale.

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 170 and 180 of the NPPF sets out clear circumstances when planning applications should be prevented or refused on noise, water and air pollution impacting the natural environment and residential living conditions indicating:

'170. Planning policies and decisions should contribute to and enhance the natural and local environment by: (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality'

'180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.'

5. Relevant Planning History

- 5.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** and summarised at the start of this report. 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, along with storage, have operated from the site since at least the 1960s.

- 5.2 planning permission 11/01506/FUL was approved for the overall site in January 2012. The consent also restricted the use of each of the units on site to the following:

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)

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 26.02.2021. At the time of writing the report **19 representations**, including a response from the Redbridge Resident's Association and all 3 ward Cllrs, have been received from surrounding residents. The following is a summary of the points raised:

Ward **Cllrs Whitbread, Spicer and McEwing** have commented:

The site already appears to be at capacity and the narrow carriageway is often

full of vehicles, many of which are connected with the business park. This application would further increase the problem.

Local Labour Councillors worked with the Redbridge Residents Association to secure funding to install double yellow lines under the causeway bridge due to cars frequently parking on the bend creating a blind spot but this appears to have displaced the problem further along Old Redbridge Road.

Concerns have rightly been raised by residents living near to the site about the noise and smells which occur when spray booths are active and further concerns exist around the potential for pollution to enter the river Test from the chemicals and paint leaching into the water course.

Cllr McEwing as also added that she has 'had untold complaints, regarding this small business unit. There is a huge Health & Safety concern, regarding the narrow footpath opposite. When cars park on that bend (quite often, they belong to the business park) pedestrians find it difficult to manoeuvre safely on the foot path, often having to move onto the road to get under the bridge. I therefore, want you to note my objections, alongside my fellow councillors.

The points raised by Cllrs are addressed below along with residents' concerns:

6.2 ***The business generates additional parking on the adjacent public highway (including pavement) which is causing highway safety issues.***

Response

The legality of parking vehicles on the public highway (including pavement) is covered by separate legislation. The Applicant is aware that overspill parking is a problem and that local residents are impacted by the storage of commercial vehicles on the highway. Some overspill parking occurs during the day when the business is in operation. It is not in the interests of the business to park vehicles outside of the site compound overnight. Unit 9 is also used for ancillary parking and office accommodation (retrospectively) and can accommodate 26 vehicle parking spaces. That said the Planning Enforcement Team are enforcing against breach of planning conditions 5 and 6 of permission 19/01973/FUL which has led to a prosecution by Southampton City Council and the hearing date is due for 7th May 2021.

6.3 ***Highways Safety.***

Response

The operation of vehicle paint spraying does not directly cause a highway hazard. Planning conditions can be used where applicable.

6.4 ***Additional parking restrictions have pushed the problem further along the road.***

Response

This is an amenity issue that needs to be assessed against the positive aspects of the development including employment opportunities and economic growth. The business should however be able to accommodate its own needs within its own land. A plan was provided with the previously approved valeting operation showing where parking takes place and enforcement of this the

planning conditions previously applied is currently taking place with a prosecution by Southampton City Council and hearing date of 7th May 2021.

6.5 ***Overdevelopment.***

Response

The site can accommodate the equipment needed for the spraying of vehicles. The overspill of vehicles prior to or following the spraying service onto the public highway is difficult for the Local Planning Authority to control with planning conditions as it is not illegal to park vehicles on the public highway provided that other non-planning legislation is satisfied. Where applicable planning conditions will be added.

6.6 ***Noise; previous applications have been refused on the basis of noise impact so should the current application.***

Response

A previously refused scheme (11/00199/FUL) had a different noise source (namely that generated by movement of scaffolding equipment and scrap metal parts around the site) which was deemed unacceptable and each application must be judged on its own merits. The Council's Environmental Health Team have not objected to the application after considering the technical specification of the equipment, proposed to manage odour, on the basis of noise and have visited the site to witness the activity.

6.7 ***Run off contamination/impact on adjacent nature reserve.***

Response

The paint spraying process taking place is a dry process which does not cause any liquid run off so the operation proposed would not generate water born pollution. Run off contamination is also managed by separate legislation administered by the Environment Agency who do not object to this application. Southern Water have also been consulted and do not object.

6.8 ***Odour.***

Response

Environmental Health have no objection to the operation provided that the recommendations set out in the noise and odour control report are fully implemented.

6.9 ***Health and Safety (fumes).***

Response

The Health and Safety Executive focus on work place safety which includes the storage and use of chemicals and toxic materials and use separate legislation to Planning for enforcement purposes. The consultation response received from the HSE has confirmed that they have no objection to the principle of the application. SCC Environmental Health manage public health through the administration of the Environmental Protection Act. Initial complaints were monitored and diary sheets completed by residents. Results indicated that the impact was not life threatening and so a prohibition notice, requiring an immediate end to operations could not be served. The issue was instead raised with planning enforcement who engaged with the applicant and invited this planning application.

6.10 ***Fire risk.***

Response

Storage of flammable materials is covered under separate legislation and the Environmental Health Team have directly referred the case to Hampshire Fire and Rescue.

6.11 ***Retrospective nature of the applicant and failure to comply previously imposed planning conditions.***

Response

The previous behaviour of an applicant does not carry significant material weight in the planning judgement, and retrospective applications are allowed. Where breaches of planning control have taken place the Planning Enforcement Team have investigated and acted accordingly.

Consultation Responses

6.12

Consultee	Comments
Environmental Health	Following a review of the submitted 'Spraying Facility Noise & Odour Control Report' provided that all recommendations are fully implemented no objection is raised to the application.
Environment Agency	No objection subject to recommended planning conditions and informative.
Southern Water	No objection has been raised to the proposal.
Sustainability (Flood Risk)	Providing that soakaways are not used on this site, there are no objections in terms of flood risk, however the following conditions are recommended: - Storage of chemicals, sprays, oils etc. should be kept within the locked cabinet set no lower than 4.2mAOD. - An appropriate condition to ensure that surface water runoff from this site is managed to avoid contamination or pollution of surface water or groundwater sources.
Health and Safety Executive	The development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.

Hampshire Fire Brigade	Hampshire Fire Brigade's business fire safety inspectors have visited Redbridge business park during the week of 29 th March 2021 and identified no fire safety issues.
Network Rail, consultation sent 08/04/2021	Response Awaited Being a statutory consultee due to the proximity of the site to the railway Network Rail need to be consulted as part of this application. Consultation periods usually run for 3 weeks and whilst it is not anticipated that there will be an objection to the application, as the flue extraction system can be constructed without needing to overhang network rail land, the final decision should be held until either the three week period ends or a consultation response is received. The above recommendation allows for this.

7 Planning Consideration Key Issues

- 7.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
 - Character of the area;
 - Local amenity;
 - Highways safety; and
 - Employment and economic growth.

Principle of Development

- 7.2 The site is not allocated for a specific use within the development plan; however the use of units 4, 5 & 5a for the preparation and spraying of vehicles is compatible with existing and established commercial use on the site and would bring associated employment benefits and is therefore acceptable in principle. Furthermore, a previous refusal of residential development on this site indicates that the site is not necessarily suitable for non-commercial use (particularly as it is within Flood Zone 2 and 3).
- 7.3 Although the site lies within an area of high flood risk; the proposed uses are not defined as 'sensitive' to a flood event. Furthermore, since no significant external changes or alterations are proposed the development would not increase the likelihood of a flood event occurring and the proposal accords with Core Strategy policy CS20.

Character of the area

- 7.4 The physical changes to the site are limited to the equipment needed to control noise, fumes and odours as recommended by the 'Spraying Facility Noise & Odour Control Report'. The equipment itself, which takes the form of two flue extractor systems that would exit the rear elevation of the building and terminate no higher than the eaves of the building is considered to have a minimal impact on the character of the area; this is also taking account of the previous use of the site that included storage areas for vehicles, scrapped vehicle parts and scaffolding equipment. That said, the business activity is retrospective, and residents complain that it has outgrown the site as evidenced by the need for off road parking. Planning conditions were applied to the previous permission requiring all business-related vehicles to be parked on site rather than the public highway and where relevant planning enforcement action can be taken to control breaches of the condition, as they are currently. As such it has been identified that as long as the business operates in accordance with the agreed layout plans and conditions the proposed land use is deemed acceptable.

Local amenity

- 7.5 The retrospective use has resulted in odour nuisance and public health concerns experienced by local residents. These have been reported to the Council.
- 7.6 SCC Environmental Health manage public health through the administration of the Environmental Protection Act. When initially dealing with the complaints Environmental Health were not able to visit the homes of complainants due to covid-19. However, they did request that resident's complete diary sheets to record incidents of odour/fumes. The results of the surveys showed that the frequency was mostly on one occasion each day as well as not being for a long duration, odour nuisance was also the main concern reported, rather than breathing difficulties or nausea, and on this basis the view was taken that, on the balance of the information available, there was no evidence of imminent risk to public health. This meant that it was not considered appropriate to issue a prohibition notice which would require the immediate end to paint spraying on the site. This is a material consideration in this case. The breach of planning control was instead raised with the Council's Planning Enforcement Team who engaged with the applicant and invited a planning application rather than issuing a stop notice. Through negotiation the application has now been supplemented by a technical report that includes mitigation measures including a flue extraction system. The Council's Environmental Health Team have also confirmed that they can support the proposal on the basis of the full implementation of those mitigation measures. The applicant has agreed to the implementation of the flue extraction system within two months of a planning approval, also taking account of the cost implications. This is a material consideration in this case and will result in a direct betterment.

- 7.7 The report supported by the Environmental Health Team also covers the noise generated by the paint spraying operation. Mitigation measures are included to ensure significant harm in terms of noise will not be generated. A planning condition can be applied to ensure that the operation is carried out in accordance with recommendations of the report (including flue extraction system) and a time period of 2 months from approval date has been agreed for implementation. It is also noted that noise is not a significant concern raised by objectors.
- 7.8 Owing to the scale of the proposal and its position, where it does not intersect a pipeline or hazard zone as defined by the Health and Safety Executive their Planning advice team have not raised any objections to the development on health grounds. An informative can be added to direct the applicant's attention to health and safety legislation - Control of Substances Hazardous to Health (COSHH).
- 7.9 The business that previously operated from units 4, 5 & 5a was associated with storage of sheet metal/acoustic panels. The act of storage itself is not considered unduly harmful to residential amenity and where applicable planning conditions were previously used to control this use limiting storage to inside the building (refer to **Appendix 4**) and the application was supported subject to planning conditions restricting the hours of operation along with the compliance of a management plan. The application was approved by the Council in January 2012. It is also noted that a noise assessment had been provided and the Council's Environmental Health Team had supported the application on the basis of the information included.
- 7.10 In terms of the visual impact the proposed flues are located away from boundaries with residential neighbours and as such would not have a significant impact on residential amenity. The closest residential property would be 36m from the position of the flues which would also be separated by the existing building which is occupied by the paint spraying booths. Therefore, the proposal 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. It is concluded that the flues would therefore not have a significant direct impact on neighbouring residential amenity.
- 7.11 Use of the public highway to access the site also has a potential impact on local residents in terms of noise and pollution, although again this impact is not considered to be significant where generated on a public road which has no restricted access or use.
- 7.12 The other issue for consideration, in terms of impact on local amenity, is parking pressure. Overspill parking impacts need to be balanced against the previous uses of units 4, 5 & 5a which are outlined in **table 1**.
- 7.13 It is anticipated that larger vehicles would have been required to serve the previous use of the site for the delivery and transportation of sheet metal and acoustic panels. These vehicles are likely to be louder and more polluting

(more likely to use diesel fuels) than the vehicles that are driven to and from the site for paint spraying and valeting purposes and thus the previous use of the site is more likely to have been harmful to human health. The Pit Stop Service business carries out a paint spraying and valeting service for a range of vehicles, and officers have witnessed the spraying, valeting and storage of commercial vans as well as domestic/private vehicles.

- 7.14 The existing frequency of vehicles arriving at and departing from the site is however an unknown as a transport survey/assessment has not been submitted by the applicant. Given the retrospective nature of the application and the potential for enforcement action it is considered necessary to make a decision based on the information available rather than wait any longer. It is therefore difficult to take account of the cumulative noise effect of traffic driving to and from the site. It is also noted that the Transport Assessment submitted to support application 11/01506/FUL, calculated 174 daily vehicle trips associated with the businesses park.
- 7.15 Notwithstanding the lack of noise survey (generated by vehicle movements) or traffic survey data the proposal is judged to be less intensive and is expected to have resulted in a lower noise impact on neighbouring residential amenity. This view was also taken when considering the previous application for car valeting and it is important to note that vehicles need to be sprayed will also require valeting before leaving the site for resale, so no additional vehicle journeys are expected as a consequence of the proposal.
- 7.16 Objectors have also raised overspill parking pressure as a reason to oppose the development. Overspill parking pressure is the subject of a prosecution following a breach of planning condition 6 of permission 19/01973/FUL. In addition, as noted above, it is not expected that the proposal will generate increased traffic as vehicles being sprayed would also need to be valeted prior to resale. In addition, the conditions previously applied to restrict the operation of the site so that it does not have a significantly negative impact on surrounding residents can be re-imposed on this current proposal. It is also not in the businesses interest to store vehicles on the public highway outside of business hours. This is because damage due to road accidents and vandalism will negatively impact the economics of the business.
- 7.17 In summary it is judged that the impact caused by Pit Stop Service's vehicle spraying operation in combination with the valeting service is not likely to have a greater impact on local residents, in terms of noise and on-street parking pressure, than the previously approved uses (storage of scaffolding equipment and scrapped vehicle parts & sheet metal/acoustic panel manufacture). Subject to compliance with imposed conditions.

Parking highways and transport

- 7.18 In the assessment of previous application 11/01506/FUL, it was found that a significant proportion of the HGV movements to and from the site were linked to the operations of TJM recyclers from unit 3. As TJM recyclers have now vacated the site this source of HGV traffic has now gone, which has improved the highways safety of the overall site. It is also necessary to clarify that the Pit Stop Service business operation does not require HGVs to service the site and a condition to this effect is again recommended.

Employment and Economic Growth

- 7.19 The Pit Stop Service business currently employs approximately 15 members of staff on the site and failure to grant planning permission could potentially result in unemployment if an alternative location could not be identified within a reasonable timeframe. Employment also has wider economic benefit and this must be weighed in the planning balance.

Summary

- 7.20 The application is not opposed on the basis of the impact on nearby residential amenity as it is considered, from the information available, that noise, pollution and parking pressure impacts will not be harmful or greater than the impact approved under application 11/01506/FUL when the site was used to store scrap vehicle parts and scaffolding. The visual impact of the proposal is also considered acceptable given the context within an industrial estate/business park. In addition, support for the application, with the addition of relevant conditions, will secure employment of 15 staff members.
- 7.21 Taking the above into account on this occasion it is considered reasonable to restrict the use within the B2 use class so that no other uses can operate without further planning assessments taking place. This is considered reasonable owing to the wide nature of potential uses/business operations which have differing potential impact and that could operate within B2 use class.

8 Conclusion

- 8.1 It is recommended that the decision to approve to approve the scheme is delegated to the Head of Planning & Economic Development subject to the planning conditions recommended at the end of this report and receipt of confirmation that Network Rail have no objection to the application.

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) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

MP for 20/04/21 PROW Panel

PLANNING CONDITIONS to include:

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]

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, namely vehicle bodywork paint spraying within units 4, 5 & 5a, and in association with vehicle valeting and car storage operations taking place on units 7,8,9 & 10 of Redbridge Business Park which is controlled by relevant conditions applied under permission 19/01973/FUL, and not for any other purpose, including any other use within Use Class B2.

Reason: In the interest of the amenities of neighbouring occupiers and to enable a further assessment should further employment uses 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 - 17.00 Mon - Fri.

08.00 - 13.00 Sat

And at no time on Sundays

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

4.Noise/Odour Report - Full compliance within 2 months. [Performance Condition]

The development hereby approved will be carried out in full accordance with all recommendations held within the 'Spraying Facility Noise & Odour Control Report' produced by Sound Advice Engineering, File Reference SAE-1235, Issue 1. Dated 18th March 2021 including the fully operational flue extraction system, within 2 months of the date of this decision notice. Thereafter the recommendations, equipment and working practices specified shall be maintained in full working order in accordance with the report for the lifetime of the development.

Reason: To protect the amenities of nearby residents.

5.Refuse & Recycling (Performance Condition)

Within 1 month from the date of this permission details of storage for refuse and recycling of all paint spraying related wastes, together with the access to it and the daily management and collection regime, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details for the lifetime for the development. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development, on the public highway, hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

6. Water Pollution Control (Performance Condition)

All chemicals stored on site shall be stored above the future flood level (1.1m above the existing ground level [4.2mAOD]) and in a lockable cabinet which shall be locked when paint spraying activities are not in operation.

Reason: To protect water quality of nearby waterbodies.

7. Surface water drainage restriction (Performance Condition)

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilized contaminants in line with paragraph 109 of the National Planning Policy Framework. This site is located on River Terrace Deposits overlying the Wittering Formation which are both designated Secondary A aquifers. The site is also adjacent to the River Test, and therefore controlled waters are sensitive to contamination.

Informatives:

Compliance with Health and Safety Legislation (COSHH).

The development must be carried out in full accordance with COSHH (Control of Substances Hazardous to Health) legislation and best practice guidance should also be followed at all times in the interests of the human health and safety at work.

Requirement for an environmental permit

Any discharge of trade effluent associated with this development will require an Environmental Permit from us under the Environmental Permitting (England & Wales) Regulations 2016, unless an exemption applies.

Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit.

Environmental permitting guidance can be found on the gov.uk website - <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

The Applicant is advised to contact our National Customer Contact Centre on **03708 506 506** (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk for further advice and to discuss the issues likely to be raised.