

Planning and Rights of Way Panel 12th July 2022
Planning Application Report of the Head of Green City & Infrastructure

Application address: Spitfire Quay, Siva Plastics, Hazel Road, Southampton.			
Proposed development:			
This report seeks a decision for 2 planning applications:			
1. MINOR 20/00495/FUL Installation of a 2 bay vehicle loading dock (Retrospective).			
2. MAJOR 19/01702/FUL Erection of extension to the west elevation (known as south extension) (retrospective).			
Application type:	FUL		
Case officer:	Mathew Pidgeon	Public speaking time:	5 + 15 minutes
Last date for determination:	1. 19.07.2022 (ETA) 2. 19.07.2022 (ETA)	Ward:	Peartree
Reason for Panel Referral:	More than five letters of objection have been received.	Ward Councillors:	Alex Houghton Joshua Payne Eamonn Keogh
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Mr Bobby Mehta		Agent: Southern Planning Practice	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Planning Permission (identical for both applications):

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including impact on neighbouring business operations 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 (2021).

Policies - SDP1, SDP7, SDP9, SDP16, SDP22, REI10 (xviii), NE1, NE2, NE3, NE4

and NE5 of the City of Southampton Local Plan Review (Amended 2015) and CS6, CS13, CS22, CS23 and CS24 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) as supported by the National Planning Policy Framework (2021)

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Operations Management Plan (13.08.2021)		

Recommendation in Full

Conditionally approve

Background:

The Planning Panel are being asked to consider two separate planning applications for development on this site under this single Panel report. A vote will be required on each application in turn.

The applicant, Siva Plastics have been operating since 1979. The company specialises in the manufacture of flexible packaging products, graphic printing on flexible packaging and adhesive lamination. Approximately 40% of the products produced by Siva Plastics are exported internationally. Siva Plastics invest in the latest technologies and processes with the aim of maintaining long term business success.

This site has been subject to a number of planning applications as set out in the planning history section of this report, most notably 4 planning applications were granted permission at Planning Panel in June 2019. Two of these applications aimed to overcome problems caused by the two developments to which this report relates, and were also accompanied by an Operations Management Plan (OMP), which has since been updated due to a recent planning approval (20/01665/FUL) for the extension of the Siva Plastics complex into a neighbouring site to the north which has enabled further improvements in vehicle management. The applications to which this report relates are also linked to the updated OMP (dated 13/08/2021) which is included at **Appendix 3**.

1. The site and its context

- 1.1 The site is located within the Spitfire Quay Industrial Estate, .4.5km to the east of the City Centre. The site is bordered by Hazel Road to the east, the River Itchen to the west and other industrial uses to the north and south. The site currently comprises of the main Siva Group factory, a warehouse & loading area, a bridge linking the warehouse and factory over which goods can move; and a large area of open storage/parking to the north (referred to as 'yards 1, 2 and 4').
- 1.2 The application site consists of buildings and hard standing which lie adjacent to inter-tidal habitats which form part of the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). The inter-tidal area also forms part of

the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site which are designated for high populations of over-wintering waterfowl. In addition, Atlantic salmon, *Salmo salar*, which is an interest feature of the River Itchen Special Area of Conservation (SAC), are likely to pass close to the site whilst migrating to and from breeding grounds in the upper reaches of the Itchen.

- 1.3 The Siva Group operation is accessed from Hazel Road, via two bellmouth arrangements at either end of the RJ Mitchel Centre which contains a number of other industrial units. Application 20/01665/FUL for yards 1, 2 and 4 has also resulted in an additional access from Quayside Road and facilitates a one-way traffic system through the site for articulated heavy goods vehicles (HGVs).

2. Proposal

- 2.1 **Application 1 (20/00495/FUL)** is for a 2 bay loading dock and follows the refusal of planning application 18/01255/FUL, which sought retrospective permission for a two-bay vehicle loading dock and waste compactor chute. The application was refused owing to the position of the two-bay vehicle loading dock which resulted in HGVs having to undertake multiple reversing manoeuvres which obstructed the flow of traffic within Spitfire Quay Industrial Estate. The proposal was deemed to prejudice the operation of neighbouring businesses and undermine the vitality and viability of Spitfire Quay Industrial Estate. The application was also refused because insufficient information had been provided regarding noise and potential impact on neighbouring residential occupiers. Both reasons for refusal are included in **Appendix 2**. Whilst application 18/01255/FUL was refused, Siva plastics have continued to use the loading dock although it's use is now less frequent because of the new warehouse building and bridge over Quayside Road which connects the warehouse to main factory building, approved by panel in June 2019 (18/02087/FUL). Therefore, the two loading bays are no longer the main loading/unloading area serving the factory. For this reason planning enforcement action has been put on hold pending the outcome of this current application. The loading dock is 7.2m high, 7.8m wide and 11.2m long.

- 2.2 **Application 2 (19/01702/FUL)** seeks retrospective permission for an extension of the factory building to the west, which facilitates the accommodation of a new piece of factory machinery. Prior to the extension vehicles could drive around the factory in a clockwise direction and deliver raw materials to the rear. This is, however, no longer possible. Vehicles delivering raw materials to the rear of the site now need to use Quayside Road which is also used to access neighbouring businesses 'Days' and 'Spitfire Garage'. Enforcement against this extension has again been put on hold until determination of the current application has taken place as, if approved, the proposal will alleviate previous concerns. The extension is 11m high, 30m wide and 50m long

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 A schedule of the site’s relevant planning history (outlined below) for the site is set out in **Appendix 2** of this report. The following applications are of particular relevance to this recommendation:
- 4.2 In December 2016 planning permission (16/00844/FUL) was granted for redevelopment of the site to the north and erection of a new warehouse building with a covered loading bay and parking. This has since been connected to the factory by a bridge link approved at the planning panel on 4th June 2019 (18/02087/FUL).
- 4.3 Planning permission was then refused in October 2018 for the retrospective installation of a two-bay vehicle loading dock and waste compactor chute (18/01255/FUL) adjacent to Quayside Road. The application was refused for two reasons: impact on neighbouring business operations and insufficient information relating to noise impact. The retrospective nature of the development has been raised as a planning enforcement enquiry however enforcement action (as mentioned earlier in this report) is on hold pending the outcome of the current application because without the current unauthorised works the factory could not operate.
- 4.4 To facilitate improved vehicle management around the site application 18/01659/FUL was then approved for the erection of a single storey building for use as monitoring office/gatehouse. The purpose of the monitoring office/gatehouse is to manage vehicles arriving and departing from the Siva Plastics warehouse and factory with the aim of preventing unnecessary and disruptive manoeuvres, in particular from HGV’s.
- 4.5 Subsequently the monitoring office/gatehouse has been approved in a separate location as part of application 20/01655/FUL (northern site extension) to allow for the siting of a water tank necessary for a sprinkler system within the factory needed to prevent risk of serious fire.
- 4.6 The northern site extension (20/01665/FUL) also allows the use of the site to the north (referred to as yards 1, 2, and 4) for additional storage and parking

which will help with the management of Siva related HGVs and other delivery vehicles. This application is critical for the delivery of the amended OMP (dated 13/08/2021), the implementation of which was a condition of the consent and significantly reduces the potential for conflict between vehicles relying on Quayside Road for access, delivery, and servicing purposes.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning applications publicity exercises in line with department procedures were undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (for 19/01702/FUL 'Major') and erecting a site notice.

Application Ref:	Site Notice Date
1. 20/00495/FUL Installation of a 2 bay vehicle loading dock (Retrospective).	11.05.2020
2. 19/01702/FUL Erection of extension to the west elevation (known as south extension) (retrospective).	24.04.2020

At the time of writing the report a total of **16 representations** across both applications have been received from surrounding residents (11 for 20/00495/FUL and 5 for 19/01702/FUL). Many of the letters were received in response to the original consultation exercise and, therefore, do not take account of amendments that have since been made which aim to overcome the concerns raised by the public and Local Planning Authority. Following receipt of the amended OMP, (dated 13/08/2021) (**Appendix 3**) a second consultation exercise was undertaken. The summary of points raised below relate to all letters of representation received in response to both consultation exercises.

Representations have also been received from **Cllr Keogh** who wishes to see the Lorry Park on Oak Bank Road improved.

- 5.2 ***Upgrade the lorry park facility on Oak Bank Road to improve access to and from the industrial estate on Hazel Road.***

Response

Adequacy of the Lorry Park is not a material planning consideration and is outside the scope of this planning application.

- 5.3 ***No meaningful difference to the scheme refused in 2018.***

Response

There is now a bridge link, transfer building and new warehouse on site which significantly reduces the need for the loading dock to be used daily. The application is also accompanied by an Operational Management Plan (OMP) (**Appendix 3**) which clarifies under which circumstances the loading dock will need to be used and how the loss of a one-way system around the factory has been mitigated. The OMP has now been updated and taken in the round and

with reasonable behaviour in mind it is considered that the updated OMP will allow the continued operation of the Siva factory to take place without significant disruption to neighbouring businesses. The main aspects of the OMP are discussed in section 6 below. It should also be noted that some of the original objectors to the scheme have removed their objections following the publication and review of the newest OMP (dated 13/08/2021).

5.4 ***No details have been provided to demonstrate the vehicle movement tracking for the combination of all proposed Siva activities on Quayside and Hazel Road.***

Response

Highways Development Management have raised no objection. The applicant has provided tracking diagrams to demonstrate that it is possible for articulated HGVs, measuring 16.5m in length, to turn both east and west onto Quayside Road from the warehouse forecourt area, to turn through 180 degrees at the rear of the factory; and to successfully carry out a reverse manoeuvre into the loading dock. This means that, other than the reversing manoeuvre into the loading dock itself, there is no longer the need for complicated turning manoeuvres (including those involving multiple reverse turns) on Quayside Road or Hazel Road that would otherwise harmfully disrupt the traffic movements associated with nearby business units.

5.5 ***Use of the loading dock will obstruct access to other businesses negatively effecting the viability of the industrial estate.***

Response

The updated OMP (dated 13/08/2021) (**Appendix 3**) clarifies that unless the bridge link and transfer building to the warehouse are unusable the loading dock will only be used during the following hours to avoid conflict with the majority of traffic visiting neighbouring businesses:

- 20:00 - 06:30 Monday to Friday.
- 13:30 Saturday to 06:30 Monday.

In addition, on Saturday mornings loading bay two will not be used to prevent loading HGVs from overhanging Quayside Road and the turning manoeuvre will take place to the rear of the factory building rather than on Quayside Road.

5.6 ***The area used for manoeuvring and reversing continues to be at the primary pedestrian and cycle crossing point for anyone travelling to locations on or beyond Quayside Road.***

Response

The frequency of vehicle manoeuvres in front of the loading bays will reduce as a consequence of the northern site extension and updated OMP (**Appendix 3**). The subsequent degree of reliance upon the highway for site access with HGVs is considered reasonable based on the status of Hazel Road & Quayside Road as private highway and the location of the site within a designated industrial estate.

5.7 ***The rear extension prevents the circular movement of vehicles around the factory without this movement all HGV's accessing the rear of the factory must use Quayside Road putting significant additional pressure on the junction of Quayside Road and Hazel Road.***

Response

All vehicles delivering or picking up goods from the rear of the factory building shall first be directed to 'Gate 3' before entering 'Yards 1, 2 and 4' where drivers will be required to wait either within the holding area or the warehouse forecourt prior to being allowed to travel to the rear of the factory. The process will be managed by Siva staff located within the monitoring office/gatehouse, approved as part of the northern site extension (20/01665/FUL). Only one vehicle (forklift truck or HGV) will be allowed to access the rear of the factory at any one time. In addition, the HGV turning area located to the rear of the factory shall remain clear and available for HGV turning at all times. These measures aim to prevent the need for an HGV to reverse along Quayside Road which has in the past caused a disruption to neighbouring businesses when there is insufficient space to turn often due to there already being a Siva vehicle located to the rear of the factory. The process is covered in the updated OMP (**Appendix 3**).

- 5.8 ***The information provided in this application is limited/incomplete. The tracking diagram only shows the movements at the rear of the factory associated with the loading bay on this extension however the area is also used for unloading HGX's (with forklifts from the curtain sides) and the filling of silos next to this extension.***

Response

Provided that the procedure set out in the OMP (**Appendix 3**) is followed there will be sufficient space for all loading/unloading operations to take place along with the turning of articulated HGVs measuring 16.5m. In addition, management of vehicles around the site will be controlled by Siva staff; preventing the need for Siva related vehicles to reverse along Quayside Road. Siva Plastics have agreed to the operation including only allowing one vehicle to the rear of the factory at any one time and always keeping the turning area free.

- 5.9 ***It is unfortunate that this application has been submitted before building the one way system (submitted as part of applications 18/02087/FUL, 18/01679/MMA, 18/01659/FUL, 18/01964/FUL) as the benefit of this system is proposed to be the removal of the need for circular movement. Without proof this works I believe this application is premature.***

Response

The management of delivery/collection vehicles linked to the Siva Plastics operation has been updated because of the northern site extension (20/01665/FUL). The update, involving Yards 1, 2 and 4, now provides a larger area for the stacking/queueing of HGVs prior to being directed to delivery or collection locations around the site. This updated arrangement is an improvement over the previously approved, and now superseded, OMP.

- 5.10 ***It has been suggested that the loading bay can be freely used in an emergency. No documentation has been submitted stating what will be done in this eventuality.***

Response

The OMP (set out at **Appendix 3**) includes the following:

- In the event of a total or partial shutdown of the warehouse facility/automated storage system or bridge link, resulting in the bridge link not being able to be used, fork lift trucks will be used to move goods between Spitfire House and the warehouse for a temporary period which shall be agreed in writing by the Local Planning Authority as soon as reasonably practicable (taking account of the 24 hours operation of the factory and Monday – Friday opening hours of the Local Planning Department).
- Whenever practicable the warehouse facility/automated storage system and bridge link, rather than forklift trucks, will be used to transfer goods over Quayside Road between the warehouse site and Spitfire House.

5.11 ***Some concerns are raised over the practicality and enforceability of the Operational Management Plan.***

Response

The OMP will be controlled by planning condition. The Local Planning Authority would need to determine whether it's expedient to act on any breaches that take place. Breaches of planning control (conditions) can lead to prosecution and fines awarded by the courts if judged to be significantly harmful.

5.12 ***Submission of the application during Covid-19 pandemic has limited the number of responses to the consultation.***

Response

There have been two consultation exercises carried out in association with the applications; the second followed negotiation and officer support of an updated/amended OMP (dated 13/08/2021) (**Appendix 3**). The consultation exercise is also deemed to have been reasonable considering the schemes proposed and officers are aware of the historic impact that both developments have had on neighbouring businesses along with the strength of feeling from the local business community. The OMP is now judged to have sufficiently balanced the needs of Siva Plastics against the transport & business needs of the other businesses located in Spitfire Quay industrial estate. Siva plastics have also engaged with the local business community with the aim of keeping them informed of new projects requiring planning permission.

Consultation Responses

5.13

Consultee	Comments
Cllr Eamonn Keogh	I would once again encourage our planners to do what they can to upgrade the lorry park facility on Oak Bank Road to improve access to and from the industrial estate on Hazel Road. <u>Response</u> This request is outside of the scope of this planning application.
Environmental Health, Noise	Following a perusal of the associated documents and in particular the Noise Report we have no objections to make concerning the retrospective planning applications.

Environmental Health, Contaminated Land	<p>No objection to either application, apply recommended conditions.</p> <p><u>Response</u> <i>As the application is retrospective is it not possible to impose investigation and remediation works condition however the development would have also been required comply with building regulations (approved doc C) site preparation and resistance to contaminants.</i></p>
Highways Development Management	<p>No objection on basis of the latest version of the OMP, but would recommend one more inclusion regarding the use of loading dock. Although I note it is only being used in quieter times, I assume there is no guarantee that other businesses are prohibited from operating still during these times. Regardless, for the safety of other staff of Siva plastics, the reversing manoeuvre to access the loading dock should be supervised/aided by a banksman. Once this statement is included, I am happy to raise no objections to the application and OMP.</p> <p><u>Response</u> The OMP (dated 13/08/2021) takes full account of the above recommended changes.</p>
SCC Flooding	<p>No objection, apply recommended conditions:</p> <ul style="list-style-type: none"> • The finished floor levels should be no lower than the existing floor levels with appropriate flood resilience measures. • In line with the submitted FRA, paragraph 3.6 'All electrical equipment and wiring will be at 1.5m above floor level to reduce the likelihood of water damage'.
SCC Employment and Skills	<p>An Employment and Skills Plan obligation will not be sought.</p>
SCC Archaeology	<p>The site is in Local Area of Archaeological Potential 16 (The Rest of Southampton), as defined in the Southampton Local Plan and Core Strategy. Previous application 16/00600/FUL, for extensions to the factory, did not include archaeological conditions. No objection and no conditions are recommended.</p>
City of Southampton Society	<p>Neutral position: concerned by number of retrospective applications submitted by Siva Plastics.</p>
SCC Ecology	<p>The area upon which the new development has been built was an area of hard standing which had negligible intrinsic biodiversity value. The completed development will not therefore have any adverse impact on on-site biodiversity. No objection is therefore raised provided</p>

	that a condition is added controlling external storage of plastic nurdles and finished products so that in the event of a spillage the opportunity for pollution incidents to occur are limited.
Natural England	Natural England note these applications are retrospective and agreed with Council's Ecologist that the operational activities will be similar to those currently taking place and adverse impacts in the operational phase are unlikely and have no specific comments to make.
Southern Water	No objection.
Southampton Airport	The proposed development at Siva Plastics has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore, have no objection to this proposal.

6. Planning Consideration Key Issues

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

- The principle of development;
- Impact on local businesses and highways;
- Design and effect on character;
- Residential amenity; and
- Ecology

6.2 Principle of Development

6.3 The site is allocated for industry and warehousing under policy RE110. Permitted uses are B1 (c), B2 and B8. The proposed development is considered to fit with the allocated use.

6.4 The principle of delivering linked development, through two planning applications, to support an existing business and its expansion/modernisation aspirations upon a site allocated for employment uses is supported.

6.5 Impact on local businesses and highways

6.6 Concerns were raised at an early stage with regard to the impact of the expansion of Siva Plastics on the neighbouring businesses, and a previous application for the loading dock (18/01255/FUL) was refused for this reason. In addition, previously approved plans (16/00600/FUL) identified that vehicles could drive around the factory building in a clockwise direction and deliver raw materials to the rear from within the site. Because of the unauthorised extension of the factory building, which was needed to facilitate a new piece of factory machinery, this is no longer possible. Vehicles delivering raw materials

to the rear of the site have since needed to use Quayside Road, which is also used to access neighbouring businesses 'Day Aggregates' and 'Spitfire Garage'.

- 6.7 The retrospective nature of both developments to which this report relates have clearly had an impact on local businesses owing to the movement of HGVs and fork lift trucks accessing both the loading bays at the northern end of the factory as well as the servicing area to the rear by disrupting traffic flow within the industrial estate. Disruption of neighbouring businesses has been particularly severe when the arrival of delivery vehicles has been poorly managed often resulting in vehicles needing to turn, reverse and park on Quayside Road and Hazel Roa.
- 6.8 The transfer building and bridge (18/02087/FUL), warehouse building (amended by 18/01679/MMA) along with the monitoring office/gatehouse (18/01659/FUL) and associated OMP sought to overcome the highways related problems associated with the two developments associated with this report. The applications were approved by planning panel in June 2019.
- 6.9 The management of Siva factory related transport (in particular HGVs) will be further improved as a consequence of the northern site extension (20/01665/FUL), approved June 2022; now referred to as 'Yards 1, 2 & 4'. The development incorporates a new main entrance for delivery vehicles further north along Hazel Road, parking/queuing areas for delivery vehicles including HGVs, larger storage areas for raw materials & pallets, an updated siting of the monitoring office/gatehouse building, pollution prevention measures and improved management of vehicle movements around the site by the incorporation of a one-way system via the warehouse forecourt area. The application has also allowed for the delivery of an updated and enhanced OMP (dated 13/08/2021, see **Appendix 3**). This will help to limit the potential for Siva related vehicles to obstruct traffic flows on Quayside and Hazel Roads when their destination (warehouse forecourt loading area or factory loading areas) is occupied. The OMP also includes tracking diagrams which demonstrate that articulated HGVs measuring 16.5m in length (standard length for articulated HGVs [[Maximum length of vehicles used in Great Britain - GOV.UK \(www.gov.uk\)](https://www.gov.uk)]) can carry out turning manoeuvres to the rear of the factory building. The turning area to the rear of the site must remain clear for turning manoeuvres at all times and will be controlled by condition, as identified by the OMP. An updated tracking diagram has also been provided with the loading dock application to also demonstrate how 16.5m long articulated HGVs can conveniently reverse into the loading bays.
- 6.10 Owing to the turning area to the rear of the factory and the management of vehicles inside Yards 1, 2 and 4 the only time a reversing manoeuvre will be needed on Quayside Road would be during use of the loading dock. Under normal working conditions this would be limited to evenings and weekend use. In the event of a breakdown of the automated warehouse, transfer building or bridge link forklift trucks would be used to transfer goods over Quayside Road from the warehouse to the factory.

6.11 This is considered a reasonable compromise as if there is a problem with the transfer building and/or bridge it will be in the interests of Siva to mend it as soon as possible as the automated system seeks to improve efficiency of their operation. The OMP takes this into account and requires Siva to inform the Planning Department and other businesses using Quayside Road of any need to use forklifts on Quayside Road as soon as practically possible.

6.12 Planning conditions are recommended for the two schemes requiring the development to be carried out in accordance with the OMP within 6 months of the date of the permission. The conditions have been worded so that compliance is achieved within 6 months as this allows sufficient time for the northern site extension development and OMP to be fully implemented; and also allows Siva some flexibility so that the operation of the factory can continue unaffected until this time. It is considered unreasonable to require the company to not use the rear extension or loading bays until the northern site extension and OMP are fully operational given the economic and employment implications this would cause. The OMP includes the following vehicular movement management measures:

- At no time shall the vehicle loading and unloading spaces/areas (including space for 6 Heavy Good Vehicles [HGVs] within the warehouse forecourt/servicing area; or the HGV turning area identified in appendix 6 of the operations management plan) be used for storage purposes and at all times shall remain clear and available for vehicle manoeuvring, loading and unloading purposes as indicated.
- All vehicle movement around the site shall be managed in accordance with approved Operations Management Plan by Siva Staff.
- The one-way system and space reserved for queueing HGVs will be retained and not be used for any storage purposes.
- Only one vehicle (forklift truck or HGV) will access the rear of Spitfire House via Quayside Road at any one time.
- Whilst operational the warehouse facility/automated storage system and bridge link, rather than forklift trucks, will be used to transfer goods over Quayside Road between the warehouse site and Spitfire House.
- Following the bridge link and warehouse becoming operational forklift trucks shall not be used to transfer goods over Quayside Road between the warehouse site and Spitfire House unless there is a total or partial shutdown of the warehouse facility/automated storage system or bridge link; in such an event fork lift trucks may be used to move goods between Spitfire House and the warehouse for a temporary period only and must be agreed in writing as soon as practically possible, with the Local Planning Authority.
- Lights, visible to highway users approaching the junction of Quayside Road and Hazel Road, will flash when gates into the warehouse forecourt area are opening and vehicles are departing.
- The use of the loading bay at the northern end of the factory building shall be restricted from 06:30 to 20:00 Monday to Friday and 06:30 to 13:30 on Saturday mornings to avoid obstruction of Quayside Road during times of the day/week when Quayside Road is at its busiest.

6.13 It is also important to consider that Quayside and Hazel Road are not public highway; instead, they are under private ownership and therefore the Council is limited in its control over those roads.

6.14 As previously noted, the Highways Team are satisfied with the information provided to support the applications and, subject to the updated OMP (dated 13/08/2021) being conditioned, can support both applications.

6.15 Design and effect on character

6.16 There are no objections to the proposal on the basis of design and impact on the visual amenity of the area. Neither scheme exceeds the height of the main factory building and do not harm views out from Peartree Green, as was the case with one of the warehouse applications. As such, given the context of this development the proposed works are deemed to meet the requirements of the Development Plan.

6.17 Residential amenity

6.18 Previously the loading dock was also opposed on the grounds of noise impact. The Council's Environmental Health Team have since reviewed an updated noise report and accordingly have not raised an objection based on noise impact. It is also important to note that the Environmental Health Team have not identified any conditions which need to be added to control the development.

6.19 Visual impact on the proposed development is also considered acceptable when viewed from the closest residential properties. On this basis both applications are considered to meet Local Plan policy SDP1(i).

6.20 Ecology

6.21 The applications are both retrospective and prior to development the land upon which the extensions are positioned were both areas of hard standing with negligible intrinsic biodiversity value.

6.22 Whilst several construction activities could have led to adverse impacts upon the adjacent designated sites the Council's Ecologist is of the view that, apart from external storage and movement of raw materials; that could result in accidental spills, the operational phase of the factory building will not have any adverse impacts. Owing to the potential for accidental spill a pollution prevention plan has been developed by Siva plastics. Accordingly, the applications are both recommended for approval provided that the agreed pollution prevention measures are included as planning conditions.

7. Summary

7.1 Siva Plastics have proactively sought to overcome the concerns of local businesses when dealing with the current two applications. With the amended and additional information and, in particular, the OMP the officer's concerns

have been mitigated. The Panel are asked to consider the two applications in turn, whilst recognising that they actually interlink and seek to improve the operational processes on this existing business.

8. Conclusion

8.1 It is recommended that planning permission be granted for both retrospective planning applications subject to the conditions set out 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) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

MP for 12/07/2022 PROW Panel

PLANNING CONDITIONS to include:

Application 1. 20/00495/FUL
Installation of a 2 bay vehicle loading dock
(Retrospective)

1. 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.

2. Operations Management Plan, (Performance Condition)

Within 6 months of the date of this permission the 'Siva Group Operations Management Plan', dated 13/08/2021, shall be fully implemented. Thereafter the approved Operations Management Plan (or as formally amended by the approval of a subsequent planning application) shall be implemented in full throughout the lifetime of the development.

In particular:

- At no time shall the vehicle loading and unloading spaces/areas (including space for 6 Heavy Good Vehicles [HGVs] within the warehouse forecourt/servicing area; or the HGV turning area identified in appendix 6) be used for storage purposes and at all times shall remain clear and available for vehicle manoeuvring, loading and unloading purposes as indicated.
- All vehicle movement around the site shall be managed in accordance with approved Operations Management Plan by Siva Staff.
- The one-way system and space reserved for queueing HGVs will be retained and not be used for any storage purposes.
- Only one vehicle (forklift truck or HGV) will access the rear of Spitfire House via Quayside Road at any one time.
- Whilst operational the warehouse facility/automated storage system and bridge link, rather than forklift trucks, will be used to transfer goods over Quayside Road between the warehouse site and Spitfire House.
- Following the bridge link and warehouse becoming operational forklift trucks shall not be used to transfer goods over Quayside Road between the warehouse site and Spitfire House unless there is a total or partial shutdown of the warehouse facility/automated storage system or bridge link; in such an event fork lift trucks may be used to move goods between Spitfire House and the warehouse for a temporary period only and must be agreed in writing as soon as practically possible, with the Local Planning Authority.
- Lights, visible to highway users approaching the junction of Quayside Road and Hazel Road, will flash when gates into the warehouse forecourt area are opening and vehicles are departing.
- The use of the loading bay at the northern end of the factory building shall be restricted from 06:30 to 20:00 Monday to Friday and 06:30 to 13:30 on Saturday mornings to avoid obstruction of Quayside Road during times of the day/week when Quayside Road is at its busiest.

Reason: In the interests of highway safety, to improve the efficiency of the highway

network on Hazel and Quayside Roads, to ensure access to nearby businesses is not unreasonably disrupted.

3. Pollution prevention measures (Performance condition)

Within 6 months of the date of this permission the approved pollution prevention measures, as detailed within the plans and procedures listed below, shall be fully implemented; including permanent raised sills and bunding installed along the edge of the site adjacent to the riverbank and around the polymer storage area; and a ramp is added along the top edge of the slipway. All pollution prevention measures hereby approved shall be retained throughout the lifetime of the development:

- in accordance with plan SB-02 P07 (Site bunding, Plan and location of proposed elements, date 20/03/20;
- Appendix 13, Polymer Containment Plan & Details; enclosed by kerb edging and kicker board, at least 200mm in height, around the polymer storage yard area.
- Procedure Plastic Pellets, PRC 01, Date: 28/04/2021, Siva Group.
- Audit Checklists - Pellets.
- Gate 3 Material Storage Area.
- Silo Area, Summit System Area, Laborsave & Extrusion Areas & NGR Areas.
- Rear Yard, Slip Way, North/South Roads and Compactors.
- Training, Plastic Pellets, TRG, Date: 25/06/2021, Siva Group.

REASON: To contain any surface water runoff and intercept pollution causing materials prior to entering the adjacent river ecosystem; in order to protect the adjacent Solent and Dorset Coast Special Protection Area from potential pollution causing incidents associated with plastic production.

4. Flood Resilience Measures [Performance Condition]

The development hereby approved shall be carried out in full compliance with the flood resilience measures set out in the flood risk assessment accompanying the application which include: All electrical equipment and wiring will be at least 1.5m above the floor level of the development hereby approved.

Reason: To ensure that the building incorporates flood resilience measures, to reduce the likelihood of water damage and therefore reduce the impact of future potential flood events as set out in the approved Flood Risk Assessment.

Application 2. 19/01702/FUL

Erection of extension to the west elevation (known as south extension) (retrospective)

1. 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.

2. Operations Management Plan, (Performance Condition)

Within 6 months of the date of this permission the 'Siva Group Operations Management Plan', dated 13/08/2021, shall be fully implemented. Thereafter the approved Operations Management Plan (or as formally amended by the approval of a subsequent planning application) shall be implemented in full throughout the lifetime of the development.

In particular:

- At no time shall the vehicle loading and unloading spaces/areas (including space for 6 Heavy Good Vehicles [HGVs] within the warehouse forecourt/servicing area; or the HGV turning area identified in appendix 6) be used for storage purposes and at all times shall remain clear and available for vehicle manoeuvring, loading and unloading purposes as indicated.
- All vehicle movement around the site shall be managed in accordance with approved Operations Management Plan by Siva Staff.
- The one-way system and space reserved for queueing HGVs will be retained and not be used for any storage purposes.
- Only one vehicle (forklift truck or HGV) will access the rear of Spitfire House via Quayside Road at any one time.
- Whilst operational the warehouse facility/automated storage system and bridge link, rather than forklift trucks, will be used to transfer goods over Quayside Road between the warehouse site and Spitfire House.
- Following the bridge link and warehouse becoming operational forklift trucks shall not be used to transfer goods over Quayside Road between the warehouse site and Spitfire House unless there is a total or partial shutdown of the warehouse facility/automated storage system or bridge link; in such an event fork lift trucks may be used to move goods between Spitfire House and the warehouse for a temporary period only and must be agreed in writing as soon as practically possible, with the Local Planning Authority.
- Lights, visible to highway users approaching the junction of Quayside Road and Hazel Road, will flash when gates into the warehouse forecourt area are opening and vehicles are departing.
- The use of the loading bay at the northern end of the factory building shall be restricted from 06:30 to 20:00 Monday to Friday and 06:30 to 13:30 on Saturday mornings to avoid obstruction of Quayside Road during times of the day/week when Quayside Road is at its busiest.

Reason: In the interests of highway safety, to improve the efficiency of the highway network on Hazel and Quayside Roads, to ensure access to nearby businesses is not unreasonably disrupted.

3. Pollution prevention measures (Performance condition)

Within 6 months of the date of this permission the approved pollution prevention measures, as detailed within the plans and procedures listed below, shall be fully implemented; including permanent raised sills and bunding installed along the edge of the site adjacent to the riverbank and around the polymer storage area; and a ramp is added along the top edge of the slipway. All pollution prevention measures hereby approved shall be retained throughout the lifetime of the development:

- in accordance with plan SB-02 P07 (Site bunding, Plan and location of proposed elements, date 20/03/20;
- Appendix 13, Polymer Containment Plan & Details; enclosed by kerb edging and kicker board, at least 200mm in height, around the polymer storage yard area.
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- Rear Yard, Slip Way, North/South Roads and Compactors.

- Training, Plastic Pellets, TRG, Date: 25/06/2021, Siva Group.

REASON: To contain any surface water runoff and intercept pollution causing materials prior to entering the adjacent river ecosystem; in order to protect the adjacent Solent and Dorset Coast Special Protection Area from potential pollution causing incidents associated with plastic production.

4. Flood Resilience Measures [Performance Condition]

The development hereby approved shall be carried out in full compliance with the flood resilience measures set out in the flood risk assessment accompanying the application which include: All electrical equipment and wiring will be at 1.5m above floor level and the finished floor levels should be no lower than the existing floor levels with appropriate flood resilience measures.

Reason: To ensure that the building incorporates flood resilience measures, to reduce the likelihood of water damage and therefore reduce the impact of future potential flood events.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS13	Fundamentals of Design
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
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP16	Noise
SDP22	Contaminated Land
NE1	International Sites
NE2	National Sites
NE3	Sites of Local Nature Conservation Importance
NE4	Protected Species
NE5	Intertidal Mudflat Habitats

Other Relevant Guidance

The National Planning Policy Framework (2012)

Relevant Planning History

In November 2016 planning permission (16/00600/FUL) was granted for the construction of new storage area to the rear of the factory and double height extension to the side. A new entrance area was also added along with a new gatehouse to the front. The proposal also included the recladding of the existing factory, a new covered canopy and four new silos to the rear. Additional parking spaces were also provided to the front.

Then in March 2018 planning permission (17/01699/FUL) was refused for a taller storage facility (warehouse) with covered loading bay, gate house and driver welfare facilities on the same site as application 16/00844/FUL. The application was refused as it was significantly taller than the approved warehouse (16/00844/FUL) and as such would have had a negative impact on the character, appearance and local distinctiveness of Peartree Common. The scheme was also refused because adequate supporting information had not been provided to demonstrate that the proposed automated storage facility would not lead to a significant net increase in associated vehicular movements because of increased productivity/growth from the factory and owing to the lack of a section 106 agreement to secure submission of a highways condition survey, contributions towards the Carbon Offset Fund and the submission of an employment and skills plan. The refused scheme would have measured 40m in height.

Planning permission was then refused in October 2018 for the retrospective installation of a two-bay vehicle loading dock and waste compactor chute (18/01255/FUL). The application was refused for two reasons: impact on neighbouring business operations and insufficient information relating to noise impact. The reasons for refusal are copied below:

REFUSAL REASON - Impact on neighbouring business operations.

The position of the 2 bay vehicle loading dock results in HGV delivery vehicles having to undertake multiple reversing manoeuvres which obstruct the flow of traffic within Spitfire Quay Industrial Estate and access into neighbouring businesses. The proposal therefore prejudices the operation of neighbouring businesses and undermines the vitality and viability of Spitfire Quay Industrial Estate, contrary to the provisions of Policies SPD1 (i) and RE10 of the City of Southampton Local Plan Review (2015) and CS6 and CS18 of the amended Local Development Framework Core Strategy Development Plan Document (2015); as supported by the NPPF (2018).

REFUSAL REASON - Insufficient information, noise.

The applicant has failed to provide adequate supporting information demonstrating that the proposed development will not have a harmful impact on the amenities currently enjoyed by local residents with specific regard to the break out of noise. The development would therefore be contrary to the provisions of Policies SDP1(i) and SDP16(i) of the amended City of Southampton Local Plan Review (2015).

Application 18/02087/FUL was one of four applications approved by planning committee in June 2019. Permission was granted for a transfer building and bridge

(minimum height of 5.1m) to connect the warehouse building to the factory building. The bridge and transfer building link the warehouse and the automated loading/stacking system so that goods can now be transported from the warehouse to the factory and back again without the need for forklift trucks which have in the past disrupted other traffic using Quayside Road.

In May 2022 permission 20/00543/FUL was granted for a piece of equipment needed to reduce emissions from exhaust gasses which also include a heat recovery system to improve the energy efficiency of the factory operation. The equipment will be installed to the rear of the factory in between the west extension and the loading area used primarily for delivery of raw materials.

The siting of a storage tank and a control room for the factory's fire prevention sprinkler system were granted in May 2022 (application 21/00896/FUL). The tank and control room location has resulted in the monitoring office/gatehouse being displaced and moved into the site to the north (see app 20/01665/FUL below).

Operations Management Plan.