

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

Application address: 93 - 99 Belgrave Road, Southampton			
Proposed development: Use of part of portacabin for hot food takeaway (retrospective).			
Application number:	22/00125/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	5 minutes
Last date for determination:	06.04.2022 (Extension of Time 19/07/2022)	Ward:	Portswood
Reason for Panel Referral:	Request by Ward Member	Ward Councillors:	Cllr Cooper Cllr Mitchell Cllr Savage
Referred to Panel by:	Cllr Savage.	Reason:	Food safety; incompatible with metal recycling operation.
Applicant: Ms Suzanne Jones		Agent: Luken Beck	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations 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).

Appendix attached			
1	Development plan policies	2	Planning History
3	Decision notice & site plan 20/01235/FUL	4	Planning Panel Minutes (20/01235/FUL).

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The site is located within Belgrave Road Industrial Estate, which is accessed from Portswood Road to the north and Kent Road to the south. The estate is comprised of several industrial units of various ages and construction types, a mix of industrial units together with a number of trade retail premises and storage and distribution uses. The application site is situated at the northern end of the industrial estate and has an area of 0.14 hectares and is mostly concrete surfaced. Currently the site is used for storage purposes by the applicant associated with the metal recycling application (20/01235/FUL), which was approved by the Planning Panel in June 2020. Prior to this the site was used as a builder's yard where building materials were stored in the open.
- 1.2 The application site is bordered immediately to the west by an area of open storage beyond which is the residential development of Roxan Mews, 442 – 462 Portswood Road, approved in 2004. Roxan Mews is constructed over four floors and is elevated above the site. Roxan Mews, at its closest, is approximately 12m from the application site. Directly to the north the site is bordered by Clark Lane Engineering. The east is bordered by Belgrave Road and to the south the site is adjacent to a storage building with trade counter. Thomas Lewis Way and the railway lie beyond to the east.

2. Proposal

- 2.1 The application seeks permission to use part of a portacabin building for food preparation, cooking and sales. The cooking facilities include a hot plate, fryer, toaster, and panini grill as well as hot water boiler. A portacabin was approved by Planning Panel in June 2021 (20/01235/FUL) as ancillary office accommodation serving a metal recycling operation, and whilst the current application must be considered on its own merits it should also be noted that there is sufficient space for both the metal recycling operation and hot food takeaway to take place on site at the same time. This can be achieved as only a small portion of the site is needed for food preparation, cooking, serving and customer areas, including access and not all of the portacabin is needed to facilitate the metal recycling operation.
- 2.2 It is important to note that the position of the portacabin currently on site is not in accordance with the approved plans or the proposed plans however the hot food takeaway operation is currently taking place on site. Customers currently enter the site from Belgrave Road via the main entrance, however it should also be noted that the position of the portacabin is not currently set out as per

the approved planning drawing or the proposed drawings submitted with this application, and this can be corrected with the attached conditions.

- 2.3 The proposed hours of operation are Monday to Saturday 08:00 – 14:00 and 1 part time member of staff is proposed.

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.

- 3.3 The site is located within an industrial estate that is allocated in the Local Plan for industry and warehousing (uses B1c, B2 and B8) under policy REI10 (vii). Saved Policy REI7 indicates that Food and Drink uses can be considered within mix use areas provided appropriate control measures are secured to address noise, odour or any other nuisance impacts on nearby residents.

4. Relevant Planning History

- 4.1 Planning permission for the change of use of the site for recycling of metals (use class B2) including erection of workshop building, siting of offices, an acoustic wall and means of enclosure (20/01235/FUL) was approved by the Planning and Rights of Way Panel in June 2021. The planning permission was subject to hours of use controls of Monday to Friday 08:30 - 18:00 and several conditions were added to prevent the generation of harmful noise. The decision notice, site plan and Panel Minutes are included as **appendix 2, 3 and 4** to this report.

5. Consultation Responses and Notification Representations

- 5.1 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 on 18th February 2022. Over 100 notification letters were sent. At the time of writing this report 4 representations in support have been received, and 1 objection has been raised by local ward Cllr Savage with a Panel referral. The following is a summary of the points raised:

- 5.2 Food safety; incompatible with metal recycling operation on health and safety

grounds.

Response

No objections have been raised by the Council's Environmental Health team in relation to food safety and hygiene based on food safety. The food business will need to be registered and subject to inspection from the Council's Environmental Health food safety team which involves the following assessments:

- Compliance with food hygiene and safety procedures: how hygienically food is handled – how it is prepared, cooked, cooled, stored and what measures are taken to prevent food being contaminated with bacteria;
- Compliance with structural compliance: the condition of the structure of the premises, including cleanliness, layout, lighting, ventilation, equipment and other facilities etc;
- Confidence in management and control procedures: how you manage and record what you do
- to make sure food is safe.

5.3 **Letters of Support; which are not from residents of the same ward.**

5.4 *Convenient for people working inside Belgrave Road Industrial Estate.*

5.5 *Good quality food and service.*

Consultation Responses

5.6	Consultee	Comments
	Environmental Health	Environmental Health has no objection to this application. The location, adjacent to potential industrial processes (including metal recycling operations), is not opposed in principle. The operation will be subject to regular food hygiene inspections. The hours are limited to daytime only and the relatively small scale means that odour nuisance is not anticipated. Conditions are recommended to ensure that waste produced by the business is stored in appropriate sealed containers for collection at frequent intervals.
	Highways Development Management	Highways are satisfied that a development of this nature is in keeping with the industrial estate and would not have a detrimental impact on highway safety or significantly increase trip rates within the industrial estate.

6. Planning Consideration Key Issues

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

- The principle of development;
- Residential amenity;

- Parking highways and transport; and
- Design and effect on character;

6.2 Principle of Development

The site is located within an industrial estate that is allocated in the Local Plan for industry and warehousing (uses B1c, B2 and B8) under policy RE110 (vii), however the principle of this small-scale hot food takeaway use is not opposed given that it does not significantly harm the opportunity for the site to be used for safeguarded uses. The policy states: *'Redevelopment proposals for other similar employment uses may also be acceptable provided they are not harmful to existing industrial or warehousing users on the safeguarded site.'* As such it is not considered that the application represents a departure from the local plan and such uses are compatible with such locations.

6.3 Policy RE17 of the City of Southampton Local Plan (2015) states that: *'Proposals involving Food & Drink uses will be permitted in city, town, district, local centres'*. The proposal site does not fall within any of the listed centres however Policy RE17 does not exclude hot-food takeaways outside of the locations listed above. It is also recognised that hot food takeaways are not uncommon within industrial estates and the use would help to serve the day-to-day needs of staff within and visitors to the industrial estate.

6.4 In terms of food safety, the development is not opposed owing to the location within an industrial estate or proximity to industrial processes. Separate legislation will manage food hygiene and safety which will be administered by the Council's Environmental Health Officers. Environmental Health also have no current objection to the potential proximity of cooking activities to metal recycling operations.

6.5 As such the proposed takeaway use is acceptable in principle subject to control measures to ensure the development does not result in adverse noise, odour and disturbance that would be detrimental to the residential amenities of the surrounding properties.

6.6 Residential amenity

6.7 The visual impact of the portacabin building itself has already been supported by permission 20/01235/FUL, which at the time of writing this report has been partially implemented. It is, therefore, only noise and odour impacts that need to be considered from a residential perspective. Nearby residents were notified as part of the consultation on this planning application and no objections have been received from local residents.

6.8 Given that the hot food takeaway is more than 40m from the closest residential property and based on the scale of operation including hours of operation proposed, it is not anticipated that the general activity associated with the business will cause significant noise or odour impact. Furthermore, the operation has been taking place on site for approximately 6 months, and there

have been no noise or odour objections raised in response to the consultation exercise carried out with nearby residents.

6.9 In addition, odour will be managed to an acceptable level by the Environmental Health team who also carry out regular food hygiene checks. Environmental Health legislation can also be used if noise disturbance occurs and for ongoing odour management controls.

6.10 Therefore, it is not considered that the hot food takeaway use is detrimental to residential amenity and therefore complies with saved Policy SDP1(i).

6.11 Parking highways and transport

6.12 Owing the modest scale of operation, limited by the size of the unit, cooking facilities and hours of operation; and due to the location within an industrial estate it is unlikely that the proposal will attract customers who are not visiting the industrial estate for other purposes or working there already. Therefore, it's not likely that the scheme will generate significant increased traffic and it should be noted that there have not been objections raised based on traffic generation from either neighbours or the Highways team.

6.13 There is, however, minor concern linked to the layout whereby the customer access is shared with the vehicular access from Belgrave Road. Therefore, a condition is recommended which will require each access to be separated from one another.

6.14 No details have been provided to advise how the trade and customer waste will be managed on site. There is however sufficient space to accommodate refuse storage. As such it is reasonable for a condition to be imposed requiring a waste and litter management plan to be agreed.

6.15 As such it is also considered that the proposal does not and will not have a harmful impact on the highway both in terms of trip generation and safety.

6.16 Design and effect on character

6.17 Only minimal changes to the appearance of the portacabin have been made to facilitate the serving hatch and signage boards, including menu. Changes to the site access and layout will also be minor in scale given the overall site layout and character of the industrial estate. The proposal is, therefore, judged to have a negligible impact on design and character.

7. Summary

7.1 The retrospective application proposes to use part of the existing portacabin as a hot food takeaway. For the reasons outlined above it is considered that the proposal would not result in such substantial harm as to justify refusing the application; subject to suitable conditions to control and mitigate the impacts of the use.

8. Conclusion

8.1 It is recommended that planning permission be granted with conditions imposed to mitigate the impact from the proposed development.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

(a) (b) (c) (d) 2. (b) (d) (f) 4.(f) (g) (vv) 6. (a) (b)

MP for 12/07/2022 PROW Panel

PLANNING CONDITIONS to include:

01. Approved Plans (Performance)

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.

02. Hours of Use (Performance)

The use hereby approved shall not be open to the public outside the following hours:
08:00 to 14:00 Monday to Saturday

Reason: To protect the amenities of nearby residential occupiers

03. Access (Time limited)

Notwithstanding the approved plans a revised access arrangement plan shall be submitted to the Local Planning Authority within 1 month of the date of this permission for approval in writing. Within a further month from the date of the written agreement by the local planning authority the development shall be carried out in accordance with the agreed details and retained throughout the lifetime of the development. The revised layout shall identify how the hot food takeaway use will be separated from the adjoining use of the site for commercial/industrial purposes.

Reason: In the interests of Highways Safety.

04. Refuse and Waste Management (Time limited)

A waste and litter management plan shall be submitted to the Local Planning Authority within 1 month of the date of this permission for approval in writing. Within a further month from the date of the written agreement by the local planning authority the development shall be carried out in accordance with the agreed details and retained throughout the lifetime of the development. The Refuse Management Plan shall provide details of trade waste and on-site customer refuse bins, a collection point for refuse and recycling and any details needed to manage the movement of containers to and from the collection point on collection days where necessary. Except for collection days, the refuse and recycling containers shall be kept only within the approved storage areas.

Reason: To ensure the development functions well and in the interests of visual and residential amenity.

05. No Live or Amplified Music (Performance)

No live or amplified music shall be played within the boundary of the site.
Reason: To protect the amenities of occupiers of nearby residential properties.

06. No Storage on the Portacabin Roof (Performance)

No materials, goods or other items shall be stored on top of the container hereby approved at any time.

Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area and in the interests of safety.

07. No Noise or Vibration Emitting Equipment

No additional equipment that may result in noise or vibration (such as additional fume extraction or power generators to those already provided) shall be used on site until specific details of the equipment have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be implemented in accordance with the agreed details thereafter retained as approved.

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development

SDP4 Development Access

SDP5 Parking

SDP7 Urban Design Context

SDP9 Scale, Massing & Appearance

SDP16 Noise

REI7 Food and Drink Uses (Classes A3, A4 and A5)

REI10 (vii) Industry and Warehousing

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

Case Ref	Proposal	Decision	Date
20/01235/FUL	Use of site for recycling of metals including erection of workshop building, siting of offices, an acoustic wall and means of enclosure (amended description).	Conditionally Approved	11.06.2021
21/01313/DIS	Application for approval of details reserved by conditions 4 (materials), 5 (archaeology), 8 (cycle storage) and 26 (refuse and recycling) of planning permission ref 20/01235/FUL for use of site for recycling of metals.	No Objection	10.11.2021