OTHER MATERIAL CONSIDERATIONS

Also of relevance is the pre-submission Eastleigh Borough Local Plan 2011-2029. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSIONS

For the reasons given above the application is recommended for approval subject to conditions.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

planning uses, the proposed use is compatible with the estate and will provide jobs equivalent to one of these industrial uses. Provided the proposed use does not result in unacceptable disturbance to neighbouring uses then it is acceptable in principle terms.

Layout & Design – No significant physical changes are proposed for the unit either internally or externally, although any exterior signage may require separate advertisement consent.

It is proposed that any vehicles for sale will be stored inside the unit for security purposes and will not be displayed externally. The forecourt area to the front of the unit is small and not considered suitable for the display of vehicles for sale, although its use for staff and customer parking will be acceptable within its allocated parking spaces. Previous permissions on the estate prevent the storage of materials or goods in the open, and a condition preventing the display of vehicles on this forecourt area is recommended.

Residential Amenity – A number of concerns with regards to disturbance have been raised by immediate neighbours. These concerns relate to the comings and goings of customers, the loading and unloading of vehicles, revving engines and doors slamming, particularly in the evenings or at night. While these concerns are understood, the likely disturbance associated with the proposed use would be no greater than existing businesses within the industrial estate. Controls can also be applied to any planning approval restricting the hours of operation, including when vehicles can be delivered and collected and preventing the preparation of any of the vehicles for sale, i.e. no mechanical repairs or preparation. Customers would also only visit the site on the basis of pre-arranged appointments, again limiting any potential disturbance.

With suitable controls along the lines of that set out above, which also tie in with existing restrictions on the industrial estate, it is considered that the proposed use will not result in undue disturbance or impact upon the amenity of neighbouring residential or commercial uses and as such the application complies with saved Policies 29.ES and 59.BE of the adopted local plan.

Parking & Highway – As has been mentioned above the trip rate and movements associated with proposed use will be no greater than for a general light industrial use which the unit already benefits from. When compared to the neighbouring industrial units the likely number of customers and deliveries to the site will probably be significantly less, therefore it is felt that traffic movements associated with the proposed use will not cause any undue disturbance.

Concerns of large car transporters using Brookwood Avenue have been raised, particularly for loading and unloading. However, based on information provided by the applicant the number of deliveries and movements are likely to be of a relatively small scale and will not involve large transporters.

The unit also has a number of dedicated parking spaces which will be sufficient to both staff and customer parking. Overall therefore it is felt that the proposed use is unlikely to raise any issues of parking or highway safety.

Street Scene & Area Character – With the suggested controls preventing the display of vehicles on the forecourt area and no proposed changes to the exterior of the unit, there will be no impact upon the street scene. With regards to the general character of the surrounding area, while the concerns of disturbance are acknowledged and understood, the proposed use is unlikely to result in any more impact upon the general character of the area over and above that of a light industrial use or that of the existing neighbouring uses. Further controls can also be added to ensure that the use complies with the restrictions already in place on the estate. As such the application is considered to be acceptable and in compliance with the relevant local plan policies.

COMMENT ON CONSULTATION RESPONSES

See below.

COMMENT ON REPRESENTATIONS RECEIVED

A response to the main amenity issues raised is given below. However, with regards to the concerns of the potential for a fire at the unit, as has happened in the past, while understood this cannot be used as a reason to potentially refuse the application given that the proposed use for the storage of vehicles is no more at risk of fire than any other use which would be suitable or acceptable for this site.

PLANNING OBLIGATION/CONSIDERATIONS

In this instance there is no need for any planning obligations towards sustainable transport measures as the trips rates associated with the proposed use will not be greater than that of the currently approved light industrial use of the unit.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies.

In this case policy issues for consideration include:

Principle – The application site lies within the urban edge and within an identified employment site where the principle of development is considered to be acceptable, with any formal planning approval being based upon the exact nature, design and impact of that proposed being considered appropriate and in accordance with the relevant local plan policies and supplementary guidance. The most relevant policies in this case are saved Policies 29.ES, 59.BE, 117.E and 118.E of the Local Plan.

Saved Policy 29.ES relates to industrial/commercial development and neighbouring noise sensitive uses, stating that any development which would result in any noise sensitive premises being subject to a loss of amenity by means of an excessive increase in noise will not be permitted.

Saved Policy 59.BE requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes. Policy DM1 of the Pre-submission Eastleigh Borough Local Plan 2011-2029 which essentially reiterates the above requirements.

Policies 117.E and 118.E allow the redevelopment or change of use of identified employment sites provided the use proposed is compatible with the employment area and will not result in a reduction of employment land or reduce the employment base of the area, and does not conflict with the local plan policies on the location of office development.

In principle terms, while the proposed use does not fall within the traditional B1, B2 or B8

REF. NO. F/13/72104

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Kenrick – 36 Brookwood Avenue	Object. Concerns that large car transporters will pick up and drop of cars at night and in the early hours, which would cause disturbance to residential neighbours.
Florit – 41 Brookwood Avenue	Object. Concerns of disturbance, hours of work, vehicles movements, noise and fumes. Additional concerns were raised with regards to the impact of two previous fires at this unit.
Newman – 39 Brookwood Ave.	Object. Concerns of disturbance, hours of work, vehicles movements, noise and fumes. Additional concerns were raised with regards to the impact of two previous fires at this unit.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Regeneration & Planning Policy	No objection provided suitable conditions and restrictions can be applied so as to limit impact on neighbouring residential uses.
Head of Transportation & Engineering	No objection provided the loading and unloading of vehicles takes place within the industrial estate and not on Brookwood Avenue.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within an identified Employment Site Adjacent to Established Residential Area

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011): 29.ES, 59.BE, 117.E & 118.E
Pre submission Eastleigh Borough Local Plan 2011-2029: S4, DM1, DM11 & DM12
Supplementary Planning Document: Quality Places
Supplementary Planning Document: Planning Obligations

NATIONAL PLANNING POLICY GUIDANCE

The National Planning Policy Framework (NPPF) seeks generally to promote economic growth (paras. 18-22). It also includes a presumption in favour of sustainable development. Where the development plan is out of date, it requires that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. Other policies of the NPPF address environmental impacts including noise (see para.123).

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to the principle of that proposed, its layout and design, impact on the residential amenity of neighbouring properties and other neighbouring uses, parking and highway issues, as well as impact upon the street scene and general character of the surrounding area.

REF. NO. F/13/72104

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Change of use from light industrial (B1c) to internet car sales and storage (sui generis). Unit 4 Brookwood Industrial Estate, Brookwood Avenue, Eastleigh, SO50 9EY.

SITE VISIT DATE – 11/03/2013

ARE PLANS ACCURATE? - Yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The intension is to use the unit as a base for the storage of vehicles sold via the applicant's website.
SITE AREA	The floor area of the unit equates to 230 square metres, plus some ancillary office space at first floor level.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	n/a
TOPOGRAPHY	Flat and level.
TREES	There are a number of street trees to the rear of the unit but none will be affected by the proposals.
BOUNDARY TREATMENT	The front of the unit is open onto the shared forecourt area of the industrial estate, with the rear fronting onto Brookwood Avenue and generally shielded by street trees and bushes. To the southern side is an informal pedestrian route through to the industrial estate from Brookwood Avenue. The northern side adjoins the neighbouring unit.
SITE CHARACTERISTICS	Small modern industrial unit in an estate of ten similar units. To the front is a main shared forecourt area, with dedicated parking for the unit to the side.
CHARACTER OF LOCALITY	To the north of the estate is a cemetery, to the east is a neighbouring factory site, and to the south and west is residential housing.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Z/09181/008/00	Alteration in working hours.	Approved Nov 1982
Z/09181/006/00	Removal of Condition No.12 on previous planning permission D.P.9181/4 restricting hours of working.	Refused Oct 1982 (Allowed at appeal Mar 1983 but with amended hours)
Z/09181/004/00	10 Light Industrial Units.	Approved Jun 1980