

Application Number: 21/10173 Full Planning Permission

Site: ELING WHARF, ELING, TOTTON SO40 4TE

Development: Permanent retention of pallet storage building

Applicant: Associated Pallets LTD

Agent: Mr Farmer

Target Date: 05/04/2021

Case Officer: Warren Simmonds

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle
- 2) Amenity considerations and Impact on the character of the surrounding area
- 3) Ecology considerations

This application has been called to Committee by Cllr David Harrison due to concerns in respect of the impact on the amenity of nearby residents.

2 SITE DESCRIPTION

The application relates to an existing industrial building located at Eling Wharf. The subject building constitutes an open-fronted building which has a footprint of approx. 78 square metres and a height of just under 4 metres. The building is situated close to the eastern boundary of the site with Eling Lane. The building is set at a higher level than the lane, however it is screened in part from the lane by an existing roadside hedge and by pallets stored in open storage around the building.

3 PROPOSED DEVELOPMENT

The application seeks the permanent retention of the existing pallet storage building.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
20/11214 Permanent retention of pallet storage building	02/02/2021	Withdrawn by Applicant	Withdrawn
16/11173 Variation of Condition 1 of Planning Permission 14/10006 to allow building to remain until 31st August 2019	24/10/2016	Grant Temporary Permission	Decided
14/10006 Retention of pallet storage building (Variation of Condition 1 of Planning Permission 11/98078 to allow continued siting until 31st August 2016)	12/02/2014	Grant Temporary Permission	Decided

11/98078 Retention of pallet storage building (Variation of Condition 1 of planning permission 94729)	07/02/2012	Grant Temporary Permission	Decided
11/97382 Business and residential development	28/07/2011	EIA Required	Decided
09/94729 Retention of pallet storage building	17/12/2009	Grant Temporary Permission	Decided
06/88561 Retention of storage building for temporary period of 3 years	09/10/2006	Grant Temporary Permission	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC1: Safe and healthy communities
 Policy ECON1: Employment land and development
 Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity
 TOT11: Eling Wharf

Relevant Advice

NPPF & NPPG

Constraints

Plan Area

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council

The building in question has been in situ since 2006 and was granted temporary planning permission for 3 years. Since that time further temporary applications have been made and granted, the last expiring in August 2019

RECOMMENDATION PERMISSION but would accept the decision reached by the District Council's Officers under their delegated powers

7 COUNCILLOR COMMENTS

Cllr David Harrison - It isn't suitable for this to be located so near to residential properties, when the site itself is so large it could easily be accommodated elsewhere. I receive a number of complaints about noise, whether it be fork lift trucks, pallet guns or other things associated with the industry.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Health Contaminated Land, Appletree Court

Environmental Health are aware of noise complaints associated with the use of this building, mostly linked with the use of a nail gun and pallet dismantler. However, it is

currently understood that such operations and equipment are imminently due to be re-located to another building within Eling Wharf and therefore this application now only relates to the storage of pallets within this building. It is understood that storage activity has occurred for some considerable time within this building without cause for complaint.

Overall, no objection is raised to the retention of building for the storage of pallets only providing that a suitable condition in relation to the hours of use (similar to that previously imposed on temporary permissions) to mitigate any impact on the local amenity.

9 REPRESENTATIONS RECEIVED

Two third party representations have been received, objecting to the proposal on grounds including visual impact of the building, noise and disturbance caused by vehicle movements within the site and adverse impact on the character of the area.

10 PLANNING ASSESSMENT

Principle of Development

The application relates to an existing industrial building located at Eling Wharf. The subject building constitutes an open-fronted building which has a footprint of approx. 78 square metres and a height of just under 4 metres. The building is situated close to the eastern boundary of the site with Eling Lane. The building is set at a higher level than the lane, however it is screened in part from the lane by an existing roadside hedge and by pallets stored in open storage around the building. The nearest residential property in Eling Lane is set 17 metres to the west side of the building.

Temporary planning permission was first granted for this building in 2006, and further successive temporary permissions have been approved in 2009 and 2012 - the reason for temporary consents on each occasion was to allow for further consideration of the development's impact.

Further temporary consent was granted in 2014 and the most recent temporary permission was granted in October 2016.

The application that has now been submitted seeks to retain the pallet storage building on a permanent basis.

The application site forms part of a much larger site that Policy TOT11 of the Local Plan Part 2 allocates for a mixed use development. In time, it is anticipated that this application site could be redeveloped for residential purposes in line with Policy TOT11. However, such redevelopment is not likely to happen in the short to medium term, and as the proposal relates to the retention of an existing building and an existing use, it is not felt the proposal would prejudice the aims of Policy TOT11.

In determining this application, the local planning authority must have regard to the government's guidance in the use of planning Conditions, and in particular to the use of Conditions to impose time limited/temporary permissions. Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only.

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use').

The guidance makes clear it will rarely be justifiable to grant a succession of temporary permissions (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.

In this case, the subject building constitutes an industrial use building within an established working wharf, where such development can be considered acceptable in principle subject to there being no undue adverse impacts in respect of amenity or on the character and appearance of the surrounding area.

The building has now been on site and in use for approximately 15 years without demonstrable detriment to amenity or to the character of the surrounding area. It is therefore considered a permanent planning consent can be considered acceptable and accordant with the provisions of the local plan, including Policy ECON1 (Employment land and development).

Amenity Considerations and Impact on the Surrounding Area

The visual impact of the proposed building has not changed since temporary planning permission was last granted. It is relatively well screened from the road, and taking into account its relatively modest size, it is considered the retention of the building would have no undue adverse impact on the visual amenities of the area and nor is it considered that its retention would have an undue impact on the light and outlook of neighbouring residential properties.

However, two third party representations have been received, objecting to the proposal on grounds including visual impact of the building, noise and disturbance caused by vehicle movements within the site, together with concerns in respect of adverse impact on visual amenity within the surrounding area.

The subject building is a utilitarian structure that is situated within an existing working industrial wharf, where such structures are to be expected and has been *in situ* for approximately 15 years. The building is relatively modest in size and taking into consideration the significant screening effects of the natural boundary shrub, hedge and tree screening along Eling Lane. The appearance of the building is not considered discordant with the character and appearance of the area, taking into consideration the overtly industrial nature of the site upon which it is located.

A representation of objection from Cllr Harrison has been received citing noise nuisance related to the industrial use of the land. However, since temporary planning permission was granted for the use of the building in 2009, the building itself appears to have been used without giving rise to recent complaints of noise nuisance (as confirmed in the consultation response of the EHO). It should be noted that wider concerns regarding noise issues from the industrial use of the land are not considered in this case to constitute a reason by which the retention of this existing building should be refused. However, because there were noise issues arising from this building before 2009, it is considered appropriate to continue to impose the previous noise condition in line with that imposed previously.

Additionally, the applicant has agreed that a Condition can be imposed to ensure that the use of the retained building is for pallet storage only, with no repair and/or construction of pallets taking place, as the applicant has an alternative building further into the wharf site (to the east of the pallet storage building and therefore further away from residential properties). It is considered this new Condition will act to further mitigate residential noise and amenity concerns.

Ecology considerations

As the proposal is for the continued use of an existing building and involves no ground breaking works, there are considered to be no ecological or contamination concerns, noting also that the Council's Environmental Health Officer has raised no concerns.

Developer Contributions

None relevant

11 CONCLUSION

The retention of the building on a permanent basis is considered acceptable in planning policy terms, taking into consideration the principle of the proposed development, amenity considerations, impact on the character of the surrounding area and ecological considerations.

12 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans:

Drawing number 3131PL dated 05.02.2021

Reason: To ensure satisfactory provision of the development.
2. The rating level of the noise emitted from the development hereby approved shall be at least 10dB lower than the existing background level (LA90) at the boundary of the nearest noise sensitive properties.

Reason: In the interest of the amenity of the surrounding neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

3. The retained building (hereby approved) shall be used only for the storage of pallets and for no other purpose. No power tool(s), plant or equipment shall be operated within the building.

Reason: In the interests of the amenity of nearby residents, in accordance with the requirements of policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy.

Further Information:

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PLANNING COMMITTEE

May 2021

ELING WHARF, ELING
TOTTON SO40 4TE

21/10173

Scale 1:1250

N.B. If printing this plan from
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scale.

