

Planning and Rights of Way Panel 21st February 2017
Planning Application Report of the Service Lead – Infrastructure, Planning & Development

Application address: Land at Test Lane, Southampton			
Proposed development: Non material amendment sought to planning permission Ref: 14/01911/FUL to amend the number of dock loaders on unit 3 from 18 to 7 and pedestrian footpath extended to access unit 3.			
Application number	17/00154/NMA	Application type	NMA
Case officer	Stephen Harrison	Public speaking time	5 minutes
Last date for determination:	27.02.2017	Ward	Redbridge
Reason for Panel Referral:	For consideration alongside 16/02201/NMA for completeness	Ward Councillors	Cllr Mc Ewing Cllr Pope Cllr Whitbread
Referred to Panel by:	N/A	Reason:	N/A

Applicant: Evander Properties Ltd/Peel Logistics	Agent: Michael Sparks Associates
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Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for raising NO OBJECTION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The request for a Non-Material Amendment seeks to change the northern elevation of Unit 3 and its associated footpath. Other material considerations, such as those listed in the report to the Council's Planning and Rights of Way Panel on 21st February 2017, do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 a revision to planning permission 14/01911/FUL should therefore be granted.

Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE4, NE5, CLT7 and MSA19 of the City of Southampton Local Plan Review (as amended 2015) and CS6, CS7, CS13, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Southampton City Council Local Development Framework Core Strategy – Adopted January 2010 as supported by the Council's current adopted Supplementary Planning Guidance and the guidance contained with the evolving National Planning Practice Guidance.

Appendix attached			
1	Development Plan Policies	2	14/01911/FUL Decision Notice

Recommendation in Full

Subject to no substantial and relevant planning objections, not covered by this report, being received by 24th February (when the Site Notice expires) Conditionally Approve - The proposed changes sought by this request (set out at paragraph 2.3 below) are considered to provide a Non-Material Amendment to the approved planning permission. All planning conditions applicable to the approved planning permission remain in force

1.0 The site and its context

- 1.1 The application site is some 6.5 hectares in area and is situated on the eastern side of Test Lane. The site is currently a grassed open area with some tree planting to the boundaries and hedgerows to the Test Lane frontage. The site is allocated in the Local Plan for light industrial and warehousing development (Classes B1(c) and B8) under Policy MSA19 of the Local Plan and planning permission was granted in June 2016 for a speculative development in accordance with this allocation (14/01911/FUL refers).
- 1.2 The surroundings are of mixed character with industrial development (including the Daily Echo headquarters) to the north; the M271 motorway to the east; the Lower Test Lane Nature Reserve to the West beyond the Southampton to Romsey railway line; and a residential area to the south comprising bungalows and two-storey houses in Gover Road, Coniston Road, Westover Road and Test Lane. The application site is close to the administrative boundary of the city with Test Valley Borough Council.

2.0 Proposal

- 2.1 Full planning permission was granted for the redevelopment of the site last year following consideration by the Planning and Rights of Way Panel (14/01911/FUL refers).
- 2.2 The permission gives approval for the redevelopment of the site to provide 19,132 square metres of employment floorspace in three buildings (Units 1 and 3 to be storage and distribution use (Class B8), Unit 2 to be Business use (Class B1c) and/or storage and distribution use (Class B8)) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane.
- 2.3 A set of revisions to the approved scheme are now sought. The applicants have applied for another Non Material Amendment (NMA) to their original permission but are not seeking a fresh planning permission. If the Panel accept that these changes are relatively minor (and not material to the original permission) then no objection will be raised by the Council to the principal planning permission being implemented in accordance with the agreed changes. As originally submitted these alterations included:
- a) A reduction to the number of loading bays within the northern elevation of Unit 3 from 18 (approved) to 7 (now proposed); and

b) A change to the car park footpath with no alteration to the approved parking numbers or layout.

2.4 The change to the loading bays was originally submitted as part of the first NMA (16/02201/NMA) before it was withdrawn so that it could be resubmitted as a standalone application.

3.0 Relevant Planning Policy & Guidance

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (Amended 2015) and the City of Southampton Core Strategy (Amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The application site is allocated for development under Policy MSA19 which reads as follows:

Test Lane South is safeguarded for B1 and B8 uses. Development will be permitted which:

- (i) provides a buffer of landscaped and planted open space on the southern boundary of the site; refer to CLT 7;*
- (ii) would not adversely affect the residential amenity of the occupiers of nearby properties on Gover Road and Coniston Road.*

Built development will not be permitted on the southern part of the site.

3.3 In 2009 the Government introduced a formal procedure for agreeing changes to an existing planning permission. Flexibility was offered for small changes to existing schemes without the need for applying again for the whole development. A nominal planning fee and a 28 day target date applies, and it is for the Local Planning Authority to determine whether or not the requested changes can be treated as ‘Non Material’. Further guidance on this relatively new process can be found within the ‘National Planning Practice Guidance’. The Council can either ‘object’ (where a refusal notice would be issued and there would be no right of appeal; the applicants would then need to make a planning application for either the revised scheme or to vary the relevant planning conditions) or raise ‘no objection’ and issue a supplemental notice to the principal planning permission.

3.4 This procedure does not allow the Council, or the scheme’s objectors, to revisit the planning merits of the original scheme as the planning permission will remain regardless of the decision made on the NMA application.

4.0 Relevant Planning History

4.1 14/01911/FUL – Conditionally approved 29.07.2016 – see **Appendix 2**
Redevelopment of the site to provide 19,132 square metres of employment floorspace in three buildings (Units 1 and 3 to be storage and distribution use (Class B8), Unit 2 to be Business use (Class B1c) and/or storage and distribution use (Class B8)) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane.

5.0 Consultation Responses and Notification Representations

- 5.1 The Government's National Planning Practice Guidance explains that *'as an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views'*.

Notification

- 5.2 Ward councillors have been notified of this change. A Site Notice was posted on 3rd February 2017. A deadline for comments of the 24th February was set and the above recommendation reflects this.
- 5.3 At the time of writing the report **0 objections** have been received. A verbal update will be given should any objections be received before the Panel meeting.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this NMA application are the change to the external appearance of Unit 3 and its impact upon the context and the amenity of its neighbours.

Non Material Amendments

- 6.2 In 2009 the Government set out a formal procedure and guidance ("Greater Flexibility for Planning Permissions") to enable applicants to secure confirmation from the Local Planning Authority (LPA) that minor changes to a consented scheme are acceptable without the need to obtain a further planning permission.
- 6.3 No definition of what constitutes a "Non-Material Amendment" is provided. The National Planning Policy Guidance explains that *'this is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another'*. The guidance explains that the LPA should be content that the proposed changes do not significantly alter the permission.
- 6.4 In respect of each of the proposed changes officers comment as follows:
- a) A reduction to the number of loading bays within the northern elevation of Unit 3 from 18 (approved) to 7 (now proposed).**
- 6.5 The affected elevation faces north towards Unit 2, away from Gover Road residents, and is central to the site. The removal of 11 loading bays is inconsequential to the design of the building or the external appearance of the building and may reduce the noise impact of the development further. It is recommended that no objection is raised.
- b) A change to the car park footpath with no alteration to the approved parking numbers or layout.**

6.6 This change affects approximately 16 metres of internal footway and is inconsequential to the original planning decision. It is recommended that no objection is raised.

7.0 Summary

7.1 The proposed changes to the approved buildings are considered to maintain an acceptable scheme for the site and have been assessed as acceptable and within the spirit of the approved scheme. The proposals are still considered to meet the requirements of the development plan as detailed at **Appendix 1**. The changes listed are not regarded material enough to warrant the need for a fresh planning application for the entire development, and have been assessed as non-material to the original planning permission. All previous planning conditions remain effective.

8.0 Conclusion

8.1 This application for a non-material amendment is acceptable and it is recommended that no objection is made.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 2(f), 4(b), 4(g), 4(m), 4(vv), 6(a) and 6(b).

SH2 for 21.02.17 PROW Panel

Amended Condition:

29. Approved Plans (Amended)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the original planning permission as updated by the revised plans approved under 17/00154/NMA, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.