

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 23 April 2013
Planning Application Report of the Planning and Development Manager

Application address: NXP Semiconductors, Second Avenue			
Proposed development: Application for reserved matters approval (access, appearance, landscaping, layout and scale) pursuant to outline planning permission dated 30 January 2013 (reference 12/00975/OUT) for redevelopment of the site. This application is for part of the site to provide an industrial/warehouse unit (Classes B1c, B2 and B8 - total floorspace of 8600 square metres) with access from Second Avenue and Allington Road, servicing areas and car parking. (Note: the application also seeks to discharge Conditions 4, 7, 8, 9, 10, 11, 16 and 17 of the outline permission).			
Application number	13/00206/OUT	Application type	OUT
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	20/05/2013 (13 week date)	Ward	Redbridge
Reason for Panel Referral:	Departure to the Development Plan	Ward Councillors	Cllr McEwing Cllr Pope Cllr Whitbread

Applicant: Diageo Pension Trust/Cordea Savills (c/o Canmoor Developments)	Agent: Michael Sparks Associates Fao Mr Ashley Chambers
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Recommendation Summary	Conditionally Approve
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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. The proposed development is considered to comply with the policy designation and outline planning permission 12/00975/OUT as an employment site. Following a public consultation exercise the substantive objections have been addressed through the use of planning conditions and a S.106 legal agreement as detailed in the report to Panel on 11th December 2012. Other material considerations, including the provision of parking in excess of current maximum standards, do not have sufficient weight to justify a refusal of the application for the reasons given in the report to Panel on 23rd April 2013. 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 186-187 of the National Planning Policy Framework (2012). In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

‘Saved’ policies SDP1 (Quality of Development), SDP4 (Development Access), SDP5 (Parking), SDP7 (Context), SDP9 (Scale, Massing and Appearance), SDP10 (Safety & Security), SDP22 (Contaminated Land) and RE19(iii) (Industry & Warehousing) of the City of Southampton Local Plan Review (Adopted 2006), and policies CS6 (Economic Growth), CS7 (Safeguarding Employment Sites), CS13 (Fundamentals of Design), CS18 (Transport), CS19 (Car & Cycle Parking), CS20 (Tackling & Adapting to Climate Change), CS24 (Access to Jobs) and CS25 (Delivery of Infrastructure) of the City of Southampton

Local Development Framework Core Strategy (Adopted 2010) as supported by the Council's current adopted Supplementary Planning Guidance.

Appendix attached			
1	Planning Panel Minutes extract 12/00975/OUT	2	Decision Notice 12/00975/OUT
3	Development Plan Policies	4	Relevant Planning History

Recommendation in Full

- 1) Conditionally Approve subject to the receipt of information to satisfy the Council's Environmental Health Officer's concerns.
- 2) In the event that these issues cannot be resolved in time for a decision to be made by 20th May (13 week target date) the Planning and Development Manager be given delegated powers to refuse the application if considered appropriate; and,
- 3) That the Planning and Development Manager be given delegated powers to remove, vary, discharge or add conditions as necessary.

1.0 The site and its context

- 1.1 The wider 4.21 hectare application site boundary is marked by a 2 metre high pallusade fence. The site itself is currently vacant, having seen the demolition of its previous buildings, but was last used by NXP semi-conductors and before them Philips. The previous buildings had a combined floor area of 23,375sq.m and were of simple two-storey design.

2.0 Proposal

- 2.1 Outline planning permission was granted in January 2013 to establish the principle of replacing the existing employment buildings with an indicative alternative layout (LPA ref: 12/00975/OUT). More flexibility in terms of the replacement employment uses was also given and the site has since been advertised for expressions of interest. The outline permission gave approval for a maximum of 20,360 square metres of employment floorspace (Classes B1(a) / B1(c) / B2 / B8). All matters were reserved for later consideration and a parameter plan was approved with indicative proposals to demonstrate a number of different working solutions. HGV movements into Allington Road are restricted by a planning condition. A copy of the relevant Panel minutes and associated planning permission can be found at **Appendix 1 and 2**.
- 2.2 The current planning application seeks reserved matters approval for Phase 1 of the site's redevelopment. It comprises 8,600sq.m of B1c, B2 and B8 floorspace on 2.24 hectares of land. The proposals show a large distribution depot for UPS (comprising 7,520sq.m of B8 floorspace with 722sq.m of ancillary office and a Vehicle Maintenance Unit with 358sq.m).
- 2.3 In design terms the buildings are compliant with the dimensions and siting set at the outline stage and utilise a contemporary design solution. The proposed buildings will achieve BREEAM 'Excellent' as required by policy and the outline permission.

2.4 Access is taken principally from Second Avenue and Allington Road with car parking shown for 152 staff vehicles. Cycle parking for 34 cycles is proposed.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 3**. The site is allocated for employment uses under Policy REI9(iii).

3.2 New development is expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13. In this instance the application has confirmed that Phase 1 will achieve BREEAM ‘Excellent’.

3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes.

4.0 Relevant Planning History

The relevant planning history for this site is attached at **Appendix 4**.

5.0 Consultation Responses and Notification Representations

5.1 The applicants undertook a public consultation event of their own on 18th June 2012. Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (22.02.2013), advertising a departure (15.03.2013) and erecting a site notice (21.02.2013 and 14.03.2013).

5.2 At the time of writing the report **2 representations** have been received, including a note of support from the freeholder owner. The following planning related concerns are raised:

5.3 Employees will abuse the one-way system that is in place to the detriment of highway safety.

Response

This is a matter for the Police.

5.4 There are concerns that employees will park on Lebanon Road.

Response

The existing parking issues in the area are well known and the development makes provision for 152 employee spaces (when 96 is the Council’s maximum standard for the scale of development proposed). With this level of provision, whilst overspill parking cannot be ruled out, the likelihood of employees needing to park off-site are diminished.

5.5 The developers have removed all the trees along Allington Road and they should

be replaced.

Response

These trees were not protected from removal, and a landscaping scheme has been submitted for consideration as part of this reserved matters application. Additional tree planting is proposed for 4 Field Maples.

Consultation responses

- 5.6 **SCC Highways – Update to be given at Panel.** SCC Parking SPD identifies that a maximum of 96 parking spaces are permissible for this development, however the applicant shows 152 spaces. On checking the plans, the spaces number greater than this. It is recognised that the site will work shifts to cover the effective operation of the site, perhaps the applicant could supply more information to explain how these shifts work, and how start times are staggered, and why this site should benefit from a relaxation of the parking standards adopted by this authority. There is mention that some staff jobs will be transferred to this site, it would be useful to know where these people live, to start to understand travel habits. I therefore need more information from the applicant to help explain further the operation of this proposed site.
- 5.7 All access seems to revolve around vehicle related travel, and does not consider employees who may come to work on foot, using public transport, or by cycle. It would be appropriate to have a controlled independent pedestrian and cycle route from Second Avenue into the site, at a convenient location, close to the underpass link, which would be adjacent to the access for vans and lorries.
- 5.8 With cyclists able to enter the site via the Second Avenue access, suitable cycle parking needs to be identified within or adjacent to the main building where it is safe and well surveilled (as stated in the D&AS, although plans show cycle parking at the remote end of the car park behind the refuse store where surveillance would not be possible). There is a requirement through the SCC Parking SPD 2011 that 17 long stay spaces and 17 short stay spaces should be provided. The long stay spaces must be within a secure enclosure, and both cycle parking areas shall be under a roof. Each cycle space must have provision of securely locking the cycle to prevent theft, such as Sheffield Hoops. Staff need to be provided with suitably sized lockers to accommodate cycle equipment, a change of clothing, and towels, preferably within the shower and changing areas.
- 5.9 *Note: an amended parking layout with justification has been submitted and, at the time of writing, is currently being considered by the Highways Officer. Further comments will be provided at the Panel meeting.*
- 5.10 **SCC Environmental Health - Update to be given at Panel.** The original noise report was preliminary. It recommended some noise levels for fixed plant and I agree with those levels, although there is some detail to be agreed on matters such as the measurement position. I am concerned on the interpretation however of the NPPF in that report. The previous use of the site was quiet, and I am not aware of any noise complaints regarding the previous site.
- 5.11 If this development goes ahead without sufficient safeguards in place, should I get complaints I will assess this complaint using BS4142 and there is no assessment within the application using this standard. Now that the application is at reserved matters, I believe a further report should be submitted as part of this application.

Within the report I would expect to see further details of the acoustic barriers to be installed, and to demonstrate their effectiveness in preventing noise from affecting the external environment of the house, and the internal environment of habitable downstairs rooms and rooms at first floor.

- 5.12 In addition I would also like to have further detail of which areas will be accessed by HGVs particularly at night. Other matters to consider are will refrigerated vehicles access the site and how are these assessed, how will reversing alarms on site be controlled and to identify whether a noise management plan is required for the site. I do not think there should be some doors at the end of the building facing onto the residential properties with the current barriers, and if possible the wash area to be relocated to elsewhere on the site, or at least the hours of operation to be limited.
- 5.13 The report should have greater regard to Para 129 of the NPPF which states that 'planning policies and decisions should aim to:...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;... mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;... recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby and uses since they were established.'
- 5.14 *Note: Additional information has been submitted by the applicant and, at the time of writing, is being considered by the Environmental Health Officer. It is recommended that should this issue remain unresolved at Panel a delegation is given to officers to resolve this issue (recommendation1) but if it cannot be resolved then the application can be refused (recommendation 2).*
- 5.15 **SCC Landscape Officer** – generally a high quality submission requiring minor changes. In particular the Allington Road boundary should be enhanced with tree planting rather than only a hedge (as shown on the illustrative layout and to replace those already felled).
- 5.16 **SCC Ecologist** – The Design and Access Statement from the outline application indicated that the landscape planting would consist predominantly of native species however, this is not the case. I would like the species list to be amended to include more native species or ornamentals with recognised wildlife value.
- 5.17 *Note: an amended landscaping plan has been received that satisfies the comments of the Council's Landscape Officer and Ecologist. The amendments will be secured with the attached planning condition, and the applicant has agreed to include 4 Field Maple trees along the Allington Road boundary.*
- 5.18 **SCC Sustainability** - The pre-assessment estimator shows that BREEAM 'Excellent' can be achieved. The energy strategy states that an energy efficient, low carbon approach has been utilised with the addition of renewable technologies (photovoltaics).

6.0 Planning Consideration Key Issues

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

are:

- i) Principle of Development
- ii) Design and Landscaping
- iii) Impact on Residential Amenity
- iv) Highways
- v) S.106 Mitigation

6.2 Principle of Development

6.2.1 Policy REI9(iii) of the saved Local Plan Review safeguards the application site for employment uses, and is permissive of light industrial (B1c), research & development (B1b), general industrial (B2) and storage/distribution (B8). Outline planning permission was granted on this basis.

6.2.2 The current application proposes compatible uses and the proposed building's principal use will be a storage and distribution centre (B8) serving UPS. The applicants have explained that UPS will be relocating from Eastleigh with some 120 existing employees being relocated and 70 new jobs being created; including some 100 delivery drivers in total working shifts. The likely job creation could increase to some 227 by 2017 and the beneficial use of a vacant site is supported.

6.3 Design and Landscaping

6.3.1 The outline planning permission established the quantum of development and approved a 'Parameters Plan' (30348/FE/120) against which the reserved matters applications can be judged. The following parameters have been established:

Building Height - between 7.5 and 15.5m
Building Width - between 10 and 150m

6.3.2 The current proposals sit within the established parameters. A modern warehouse building is proposed measuring 114m wide and 12.4m tall. The ancillary Vehicle Maintenance Unit also meets the required parameters.

6.3.3 The buffer between the buildings and the Allington Road boundary has been respected by the proposed layout. A revised landscaping scheme has been submitted to enhance the appearance of this boundary. The chosen design solution is considered to be appropriate for this site and its context as well as meeting the requirements set by the outline planning permission.

6.4 Impact on Residential Amenity

6.4.1 The defined building area has retained the existing line of development along the Allington Road frontage. Given the previous built form in this location and the restrictions imposed upon the replacement building (including the restriction on HGVs using Allington Road) it is considered that there will be no significant harm caused by the proposals. That said, the Environmental Health Officer (EHO) has raised concerns regarding the siting of 2 roller shutter doors facing the Allington Road neighbours. A planning condition is recommended to ensure that these doors remain closed between 11pm and 7am. Further details have been provided by the applicants and are currently being considered by the EHO. A verbal update on this matter will be given at the meeting.

6.4.2 The hours of use are unrestricted (as was previously the case) and any nuisance will be dealt with through the statutory processes. As such, subject to the EHO raising no further concerns, the application is considered to address the requirements of adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

6.5 Highways

6.5.1 The level of car parking proposed exceeds the maximum levels set at the outline stage (1/30sq.m B1a - 1/45sq.m B1c/B2 - 1/90sq.m B8 as set out in the Council's approved Parking Standards SPD). As such it represents a departure from the development plan. Applying the B8 standard to a development of 8,600sq.m the development should be supported by 96 spaces. Instead 152 are proposed (58% increase).

6.5.2 Notwithstanding the comments made by the Highways Officer and the request for further justification, as 120 employees are to be relocated from Eastleigh (where alternative modes of travel will be limited given the distance and likely shift patterns involved) and some 100 drivers are to be employed on a shift pattern basis (where additional parking is required to facilitate the shift change) a departure from the Council's adopted standards should, in this instance, be supported. The application is supported by a Green Travel Plan and enables the redevelopment of the site with additional job creation and will accrue wider regeneration benefits for the City. These benefits outweigh the policy requirements in respect of car parking.

6.5.3 The applicants propose to improve access for HGVs and these works can be resolved through the S.106 legal agreement that was agreed at the outline stage. Although the site has 24 hour use it is envisaged that the Second Avenue entrance will be the principal entrance, with staff using Allington Road only to access the proposed parking.

6.6 S.106 Mitigation

6.6.1 A S.106 legal agreement was signed at the outline planning stage to secure the necessary highway improvements necessary to facilitate safe access. Work is underway to secure the necessary Traffic Regulation Order (TRO) to enable these works to take place ahead of the development site becoming operational.

7.0 Summary

This reserved matters application for Phase 1 of the wider development scheme approved by outline planning application 12/00975/OUT is compliant with the agreed permission and site allocation. The re-configuration of this part of the site to provide modern, useable floorspace is welcomed and brings a vacant employment site back into use. The key issue at the time of writing relates to the use of secondary servicing doors fronting Allington Road and their subsequent impact on the nearest residential neighbours. Negotiations are ongoing on this issue with delegation sought in the event that this issue remains unresolved at the Panel meeting.

8.0 Conclusion

The planning application complies with the planning policy designation and the principle of redevelopment has been previously assessed as acceptable. It is recommended that planning permission can be issued following the satisfactory completion of discussions with the Council's Environmental Health Officer.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1a-d, 2b & d, 4vv, 6a, c, e & l, 7a and 9a-b

SH2 for 23/04/13 PROW Panel

PLANNING CONDITIONS (13/00206/REM) to include:

Note: all conditions imposed at outline stage remain valid.

1. APPROVAL CONDITION - Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (Use Classes) Amendment Order 1991 (as amended) the development hereby approved shall be used only for the purposes indicated in the submitted details (i.e. as a B8 storage and distribution centre) and not for any other purpose including B1 or B2 without the written approval of the Local Planning Authority.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area.

2. APPROVAL CONDITION – Service Doors Restriction

The service doors on the north-west elevation fronting Allington Road shown on plan ref: 30597/PL/111 shall not be used to serve the development (and shall be kept closed) between the hours of 11pm and 7am except in the case of an emergency.

REASON:

In the interests of residential amenity and as agreed by the applicant in their agent's email dated 10th April 2013.

3. APPROVAL CONDITION – Parking

The parking layout shown on amended plan ref: 30597/PL/114 for 152 parking spaces shall be marked out on site prior to the first use of the development hereby approved and shall, thereafter unless otherwise agreed in writing with the Local Planning Authority, be retained as approved to serve the use.

REASON:

As justification has been made for a departure to the Council's current standards and to ensure that the existing car parking is reconfigured to secure the necessary parking in the interests of highway safety.

4. APPROVAL CONDITION – Landscaping

The landscaping and boundary treatments shown on amended plan ref: 05 Rev B and 30597/PL/114, as amended by the applicant's email (dated 10th April 2013) that confirms a minimum of 4 Field Maples (minimum 14-16cm girth) and supported by the Barry Chinn

Soft Landscape Specification dated 5th April, shall be carried out prior to the first occupation of the buildings or during the first planting season following the full completion of building works, whichever is sooner.

REASON:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

5. APPROVAL CONDITION - Landscaping Replacement [performance condition]

The approved landscaping scheme shall be maintained in accordance with the submitted Barry Chinn Soft Landscape Works Maintenance and Management Proposals dated 6th April as updated by the comments made by the Council's Ecologist on 9th April 2013 and agreed by the applicant's agent on 10th April. If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON:

To ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme.

6. APPROVAL CONDITION - Details of Building Materials

Unless otherwise agreed in writing with the Local Planning Authority the approved development shall be implemented only in accordance with those materials detailed on the approved drawings 30597/PL/105a and 30597/PL/106.

Reason:

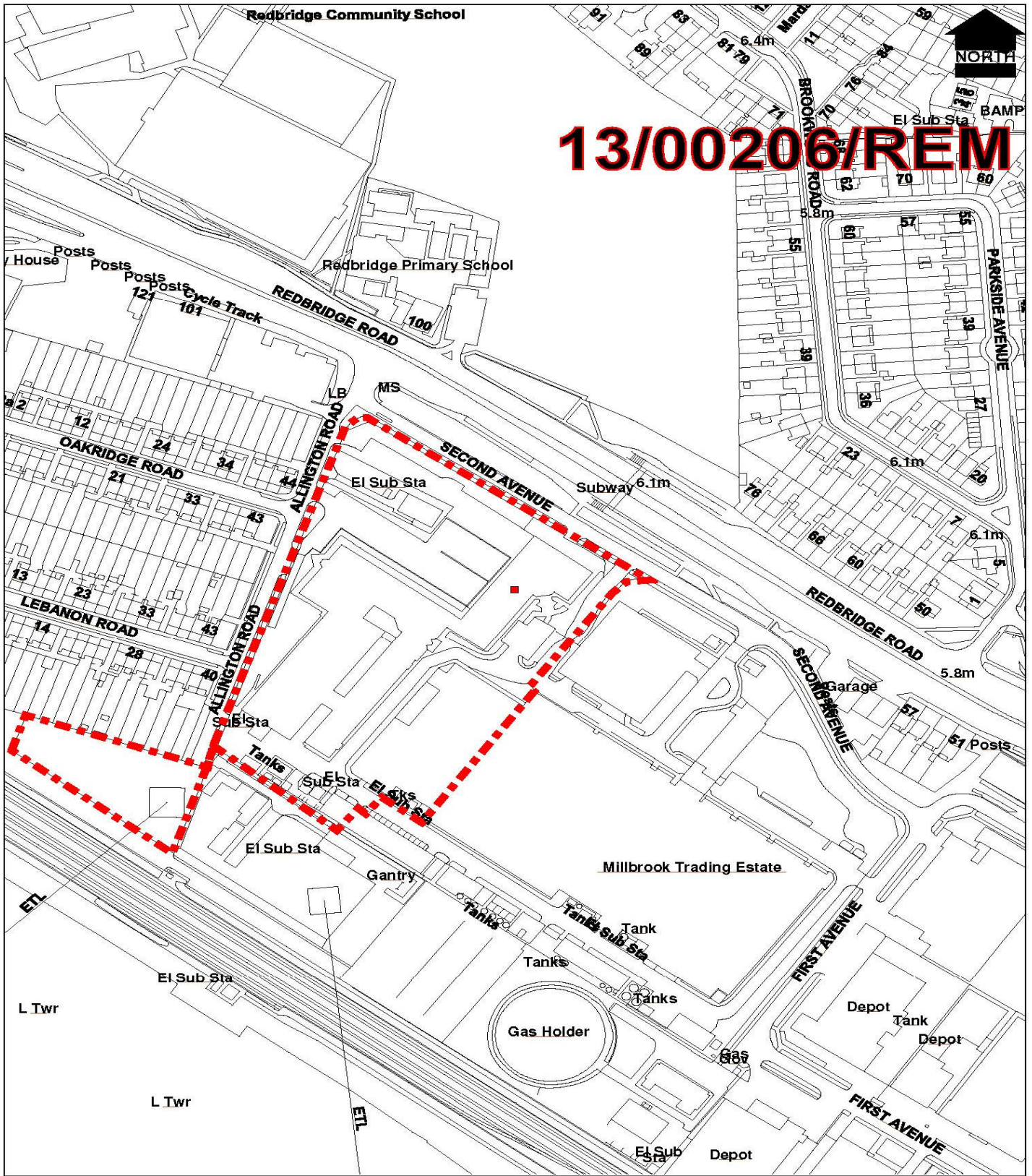
To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

7. APPROVAL CONDITION - 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.



13/00206/REM



Scale : 1:2500

Date : 10 April 2013

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