

Planning and Rights of Way Panel 24th April 2018
Planning Application Report of the Service Lead – Infrastructure, Planning and Development.

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| Application address: Millbrook Trading Estate, First Avenue, Southampton | | | |
| Proposed development: Environmental and highway improvements including additional parking to existing verges, new parking layout to existing car park and new landscape (renewal of expired planning consent ref: 13/01962/FUL) <i>Note: The scheme is identical to the 13/01962/FUL scheme approved in April 2014.</i> | | | |
| Application number | 17/02378/FUL | Application type | Minor |
| Case officer | Mathew Pidgeon | Public speaking time | 5 minutes |
| Last date for determination: | 26.01.2018 | Ward | Redbridge |
| Reason for Panel Referral: | More than five letters of objection have been received. | Ward Councillors | Cllr Pope Cllr McEwing Cllr Whitbread |

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| Applicant: Frobisher (Millbrook) TC Ltd | Agent: Jackson Planning Ltd |
| Recommendation Summary | Conditional approval |
| Community Infrastructure Levy Liabile | No |

Reason for granting Planning 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 as set out in the report to the Planning and Rights of Way Panel on 24th April 2018, which attached significant weight in its considerations to the previously consented scheme (LPA ref: 13/01962/FUL). The scheme is therefore judged to be in accordance with the development plan as required by 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 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP7 and SDP9 of the City of Southampton Local Plan Review (as amended 2015) and policies CS13 and CS17 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015) as supported by the Council's Cycling Strategy (2017-2027) and the National Planning Policy Framework (NPPF).

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| Appendix attached | | | |
| 1 | Development Plan Policies | 2 | Planning Permission 13/01962/FUL |

Background

Planning permission was granted under delegated authority in April 2014 for the same project under LPA ref: 13/01962/FUL. The planning permission is attached at **Appendix 2** but has since lapsed without being implemented. The current application seeks to gain permission, again, for the same development as previously approved. Material changes in circumstances, namely the adoption and implementation of the Council's Cycling Strategy (2017-2027) in July 2017, have led to further discussions with the applicants on how best to integrate their scheme into the wider cycling network.

The application has attracted more than 5 objections, notably from cycling campaigners, and a Planning Panel decision is now required regardless of the earlier permission. An update will be given at the meeting as to any further third party correspondence.

1 The site and its context

- 1.1 The application site forms part of an existing car park on the Millbrook Trading Estate. This Estate, was sold by the Council, and suffers from existing parking stress as there is insufficient space to meet current demand. The site is directly next to another car park that has permission for environmental improvement works similar to the scheme proposed (and previously approved).

2 Proposal

- 2.1 Currently the site supports 65 car parking spaces, with the implementation of the proposal an additional 34 car parking spaces would be formed resulting in a total of 99. To facilitate this part of the existing highways verge (currently taking the form of a turfed raised bund) would be removed along with 5 trees. 14 new trees are proposed for planting to compensate for this loss.

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). The most relevant policies to these proposals are set out at **Appendix 1** and are supported in this instance by the Council's Cycling Strategy (2017-2027).
- 3.2 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. The Council has reviewed the Core Strategy 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.

4 Relevant Planning History

- 4.1 In April 2014 planning permission was granted for the environmental and highway improvements including additional parking to existing verges, re-alignment of junctions, new parking layout to existing car parking and new landscape planting (13/01962/FUL) – *This site*.
- 4.2 In August 2015 planning permission was also granted for environmental improvements, including new parking and circulation layout to existing car park and new landscape planting, within the neighbouring site to the north west (15/01080/FUL) – *Neighbouring land within the same estate*.

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 (08.12.2017). At the time of writing the report **6 representations** have been received (with 1 withdrawn at the time of writing). Some of the representations are from members of local cycling campaigning groups. The following is a summary of the points raised:

5.2 **Downgrading of the important but already inadequate cycle route between Southampton and the West (National Cycle Route 236).**

RESPONSE: An alternative route for cyclists has been provided, although it is acknowledged that the route is inferior to the proposed cycle freeway. The Council's Highways team are refining their scheme in consultation with proposed users.

5.3 **Car park expansion will include land that is earmarked by the Council to form part of the Western Approach cycle freeway to provide a safe route between Southampton and Totton and the New Forest.**

RESPONSE: Agreed, although suitable alternatives are possible.

5.4 **Removal the part of the cycle route between Millbrook roundabout, across a double toucan crossing and then westwards to Second Avenue. No equally safe or convenient alternative is suggested.**

RESPONSE: There is an alternative to the north of the car park however this is a detour for cyclists when compared to the current route used. The Council's Highways team are refining their scheme in consultation with proposed users.

5.6 **Removal of the link from the double toucan crossing to Second Avenue will result in an inconvenient and significant detour for cyclists.**

RESPONSE: Agreed. The Council's Highways team are refining their scheme in consultation with proposed users.

5.7 **Changing the priority connecting Second Ave to Redbridge Rd will make this junction more dangerous for users of Second Avenue, especially cyclists.**

RESPONSE: There is an alternative route for cyclists proposed and thus cyclists should not be using the route across the junction with revised priority.

5.8 **Developers may follow this planning application with another for a stopping-up order. This has been unsuccessful in the past, but if the current planning application is successful it opens the way for the stopping-up order to be more positively considered. Stopping-up would have a negative impact on the plans for the Western Approach cycle freeway.**

RESPONSE: Stopping up potential is not a material planning consideration as it is covered by separate legislation.

5.9 **With the forthcoming implementation of the Clean Air Zone, we need to promote cycling as an antidote to vehicular pollution.**

RESPONSE: Promotion of cycling is part of the Council's Transport and Development Strategy as detailed in the Local Transport Plan and Development Plan.

Consultation Responses

5.6 SCC Highways – No objection

After initially objecting to the current application following discussions with the applicant SCC Highways are now confident that an alternate scheme to provide a cycle freeway on Second Avenue is viable, which would be beneficial to both the applicant and SCC. In addition SCC Highways have the power to build a cycle track adjacent to the highway (as per Highways Act 1980) and as such there will be an option to provide the cycle freeway in this location irrespective of the outcome of this application.

5.7 SCC Design Manager - No objection apply relevant conditions from previous scheme.

5.8 SCC Trees – No objection

On the plan 428-06e there a no. of trees marked for removal, referring back to the original planning app for this site (13/01962/ful) and the associated Arb report (Ref: 12278-BT3) and indicated on this plan, there are five trees in the centre of the proposed site and one on the West side of the access road. The five trees in the centre have been recently felled and no objections are raised to the removal of the tree on the Western side, to facilitate access around the corner for high vehicles. The trees need to be replaced on a favourable basis of 2 for 1 in the surrounding landscape to ensure a continued and varied tree cover for this site.

5.9 Proposed work to the North of the carpark is likely to impact on the grass bank and there is potential for this to effect the tree roots from trees on top of the bank. This is addressed in the original Arb report (Ref: 12278-BT3) and marked as a precautionary area within the RPAs where special precautions are needed to upgrade existing surfacing or install new surfacing. In summary if planning permission is granted apply recommended conditions.

6 Planning Consideration Key Issues

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

- Principle of development;
- Trees and amenity; and
- Highways.

6.2 Principle of Development

6.2.1 There has not been a significant change in national or local planning policies in relation to this site since the previous application was submitted and approved.

6.2.2 The principle of creating an additional 34 car parking spaces is supported as it will, subject to the works not prejudicing safe access by alternative transport modes, improve the viability of the trading estate

6.3 Trees and amenity

6.3.1 The plan proposes the removal of a limited number of trees with replacement planting to compensate for trees lost. An arboricultural impact appraisal report and plan prepared and accompanies the planning application. The removal of the grassed bund has been included in the scheme despite the Landscape officer's previous concerns for the wider scheme. It is considered that the bund has very limited visual impact (especially for this short stretch) and is an unattractive and poorly maintained feature of the site as a whole. It is also considered to have very little value in terms of biodiversity or drainage capabilities and it is on the line of

significant underground services which prevent the planting of a substantial tree screen along the car park edge. The parking area remains well screened from principle wider views by the mature tree belt.

6.4 Highways

- 6.4.1 The key driver for the project is to secure additional parking for the Trading Estate, which was built in the 1950s and is not designed to accommodate the level of parking currently required. There are no highway safety concerns of improving the site's existing parking arrangements. The use of tandem parking on a trading estate is acceptable, albeit inconvenient for those users that get blocked in. However, the spaces will be allocated to employees within the same company making any problems a management issue.
- 6.4.2 The applicants are aware that they will require a Traffic Regulation Order (TRO) in order to undertake the kerb and priority changes. This is a separate process from Planning and should not influence the outcome of this application.

7 Summary

- 7.1 Since the previous approval the Council have secured funding for improved east-west cycle linkage along Second Avenue. Whilst originally objecting to the scheme the Highways Team are now satisfied that the cycle freeway can still be delivered if this proposed, and previously approved, development for additional car parking is granted. As the delivery of the cycle freeway is not therefore dependant on whether or not the implementation of this permission goes ahead Highways Officers are no longer opposed to the approval of this scheme.
- 7.2 It is also noteworthy that the Council is currently working with the applicant to find a mutually beneficial solution to the layout of Second Avenue (involving some of the application site) which will enable the applicant to gain the same economic value from the site as previously approved (through provision of car parking numbers on the site) along with the provision of a cycle route on the northern side of Second Avenue which is the preferred option. It is anticipated that this work will satisfy the current third party objections to the application and an update will be given at the meeting if this is the case.

8 Conclusion

- 8.1 The positive aspects of the scheme are not judged to be outweighed by the negative and as such the scheme is recommended for conditional approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a) (b) (c) (d), 2 (b) (c) (d), 4 (f) (g), 6 (a) (c), 7 (a), 9 (a) (b)

MP for 24/04/2018 PROW Panel

PLANNING CONDITIONS to include:

01.APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02.APPROVAL CONDITION - Landscaping & Planting

Prior to the first use of the car park hereby approved the agreed landscaping and tree planting scheme shall be provided in full, or in accordance with an alternative timescale that shall have been agreed with the Local Planning Authority prior to the commencement of development. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision. As agreed within the submission and decision associated with application 16/02049/DIS the landscaping and tree planting must comply with the following details and listed plans:

1. A root barrier is used adjacent to the highway where three Acer Campestre trees are being proposed as part of the landscaping scheme. This is to ensure that the roots of these trees would not extend into the proposed 4.5m width easement area which the Council seek to use to provide a cycle route in the future.
2. The proposed planting of Lime along the southern boundary with Second Avenue should be amended to an alternate mix of a long lived species and a medium lived species. The council's tree team suggest Quercus Palustris Helmond and Sorbus torminalis as this will give a good species diversity and reduce the numerous associated problems with planting limes in close proximity to car parking (Honeydew Etc.)
3. The proposed tree planting must include a tree supporting system taking into account the new ground and trees must be irrigated accordingly to ensure their successful establishment.
 - o 428.D01, Post and mesh fence.
 - o 428.18 rev C, Plot 1881 (with boundaries) soft works landscape plan.
 - o 428-D02 (Prev.428-09) rev C, Tree planting details.
 - o 428-D03 rev A, Tree pit detail.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved parking layout shall be marked out in full prior to its first use in accordance with the agreed scheme, or in accordance with an alternative timescale that shall have been agreed with the Local Planning Authority prior to the commencement of development. The agreed parking scheme shall be retained as agreed.

Reason: In the interests of highway safety so as to ensure that cyclists have the opportunity at some point in the future - as designs and resources permit - to use an alternative route to Second Avenue as agreed by the applicant's agent by email dated 11th August 2015.

03.APPROVAL CONDITION - Tree Protection

The development shall take place in accordance with the tree protection details provided by the updated Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement dated 10th July 2015.

Reason: In the interests of visual amenity and the longevity of those trees to be retained as part of the application hereby approved.

04.APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

05.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 as required by the above planning conditions.

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