

**Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 21 August 2012
 Planning Application Report of the Planning and Development Manager**

Application address: Units C and D, Antelope Park, Bursledon Road SO19 8NE			
Proposed development: Change of use of Units C and D from healthcare (Class D1) and employment (Classes B1, B2 and B8) to retail use (Class A1).			
Application number	12/00402/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	5 minutes
Last date for determination:	03.07.2012	Ward	Bitterne
Reason for Panel Referral:	Departure from development plan policy	Ward Councillors	Cllr Letts Cllr Lloyd Cllr Stevens

Applicant: Aviva Investors Ltd c/o CBRE	Agent: CBRE
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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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 Council has taken into account the long period of vacancy of the existing building and the employment and regeneration benefits associated with the proposed use. The proposed retail use does not comply with Core Strategy Policy CS3 or the Local Plan site allocation. However, the Council is satisfied with the applicants evidence that there are no sequentially preferable sites and that there would not be a significant impact on nearby shopping centres. 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. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP13, SDP14, SDP16 and MSA17 of the City of Southampton Local Plan Review (March 2006) and Policies CS3, CS6, CS7, CS10, CS13 CS18, CS19, CS20, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

1) Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- ii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
- iii. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives in line with Core Strategy Policies CS24 and CS25.
- iv. Submission and implementation of a waste management plan.

In the event that the legal agreement is not completed within 2 months of the Panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

2) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

1. The site and its context

- 1.1 The application site forms part of the Antelope Park retail and leisure development on Bursledon Road. Units C and D are on the ground floor of the main two-storey building and have been vacant since the development was completed in 2009. The rest of the ground floor of this building is occupied by The Range, a homeware retail use. The first floor of the building is divided into three leisure units but these are all vacant and have never been used. Elsewhere on the Antelope Park site are a Jewsons builders merchants and two buildings on the Bursledon Road frontage which are used as food and drink outlets. There is a large car park between the buildings providing a total of approximately 300 parking spaces.
- 1.2 The surrounding area is predominantly residential in character, with the exception of an industrial unit and self storage building which adjoins to the west. Gavan Street, which runs through the site is a privately owned and maintained road.

2. Proposal

- 2.1 The current application proposes the change of use of Units C and D from their approved use as light industrial and health care use to a Class A1 food retail use. The total gross floorspace is 1,882 square metres. The future occupier is likely to be a discount food operator but the user has not yet been identified. No external alterations are proposed and no changes proposed to the car parking which would continue to be shared between all the occupiers of the building.
- 2.2 In support of the application the applicant has submitted a Planning and Retail Statement and a Transport Statement.

3. 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 1**. The site is allocated for development under Local Plan Policy MSA 17. The recommended uses are industrial (Classes B1, B2 and B8); health care and community facilities.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27 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. Relevant Planning History

- 4.1 The application site was previously in use as a builders merchants and for offices. The existing mixed retail, leisure and food and drink use follows a planning permission granted by the Secretary of State in 2006 following a 'call-in' of a planning application. There have been subsequent planning decisions, details of which are given in Appendix 2 of this report.

5. Consultation Responses and Notification Representations

- 5.1 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 (07.06.2012) and erecting a site notice (31.05.2012). At the time of writing the report **0** representations have been received from surrounding residents.
- 5.2 **SCC Highways** - When Antelope House gained its original consent the infrastructure improvements were carried out to cater for the anticipated levels of traffic being generated by that proposal. The current proposal appears to fit within the capacity of the design of the existing junction, and will therefore not create an unacceptable impact upon the highway network. Shopping trips are on the highway network already, and this store may allow for people to shop more locally and reduce the impact on the highway network on a wider scale. The original consent required good local pedestrian movement and connectivity which is not currently available for use. It is essential that these links are made available for sustainable trips on foot and cycle. Planning conditions must cover this element. Also shower, changing and locker facilities must be made available to members of staff of the retail store, and good secure cycle facilities provided for staff of this specific unit, which shall be part of this unit, and not shared with the remainder of the development.
- 5.3 **SCC Planning Policy** – We accept that there may be a need to seek a change of use, given that the units have remained vacant since they were built out and that there is commercial sense in merging the two units together to achieve a

viable and marketable unit. The impact test on retail set out in the Planning & Retail Statement looks like it reflects the situation reasonably well - Planning Policy is content that the retail impacts are broadly accurate. We do not object to the loss of employment floorspace in this instance. We are also mindful that a permission was previously given for a development which included a food store (98/10498/OUT). However, with regard to Paras 4.3 - 4.6, like the loss of health floorspace above we would expect the applicant to justify this, and provide proof of marketing over a reasonable period of time. The NPPF maintains the support for centres. But given the out of centre location and the retail impact already mentioned above, we recommend placing planning conditions on the food / non-food elements (floorspace) much like has happened in recent examples of this type of development (e.g. ongoing discussions re. centenary quay 12/00474/FUL). Controls should be put in place to restrict the non-food element (probably around 150 sqm of net sales), and a condition also placed on the agreed net sales floor area in the consented application.

5.4 **SCC Sustainability Team** – No objections. The BREEAM standard cannot be imposed retrospectively. A condition should be imposed relating to renewable energy/reduction in carbon emissions.

5.5 **SCC Environmental Health (Pollution & Safety)** No objection in principle, certain conditions are recommended.

5.6 **Southern Water** – No objections to the application subject to the imposition of an informative. Any new connections to the public foul and surface water sewer will require a formal application to be made.

6. **Planning Consideration Key Issues**

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

- The principle of this development
- Retail Policy issues
- Transport and Parking
- Sustainability issues

6.2 **Principle of Development**

The approved development of this site is for a mixed retail, leisure and food and drink scheme. The Local Plan site allocation does not include retail use and the planning permission granted by the Secretary of State in 2006 followed the submission of evidence to demonstrate that there was a need for the retail use, there were no sequentially preferable sites and strong regeneration benefits associated with the retail element of the proposal. The existing retail use is restricted to sales of bulky goods only. In this case the Council has to decide if further retail use on this out of centre site can be justified and whether sufficient evidence has been provided to demonstrate that the health and employment uses should not be retained. The site allocation is for industrial development, health care and community facilities none of which would be retained on the site. The reason for the site allocation was to provide social and employment opportunities in this deprived part of the city. This change of use will provide some 80 full time equivalent jobs.

6.3 In terms of the approved uses of the site, these units have never been occupied since the development was completed in 2009. The applicant has submitted evidence that the building has actively been marketed for some 4 years for the approved uses. There has been no substantive interest in the industrial unit and there appears to be adequate alternative provision of healthcare facilities in the surrounding area. The NHS Southampton City Estates Strategy indicates there is no requirement for a new primary healthcare facility in this area. In these circumstances it is accepted that there are benefits associated with merging these two units to create a more viable unit for an employment creating activity, albeit retail.

6.4 Retail policy

This is an 'out of centre site' in retail policy terms. Core Strategy Policy CS3 seeks to protect the viability of town and district centres and to control the development of retail and other town centre uses of greater than 750 square metres in edge of centre or out of centre sites. The NPPF supports this policy in terms of the sequential approach and limiting the retail impact on existing centres. Officers have discouraged earlier enquiries for both a large scale food store and a general comparison goods retail use of the site. However, this proposal is aimed at a smaller scale discount food retailer serving a local catchment area. Government policy has previously recognised that such stores can play a role in social inclusion by improving retail choice for priority communities. Information has been submitted with the application demonstrating that there are no sequentially preferable sites within Bitterne and Woolston District Centres or in nearby local centres in Eastleigh or Southampton. In terms of retail impact, it is accepted that there are specific issues associated with a discount food retailer. The evidence produced indicates that the retail impact will be less than 3% which is not considered to be significant. Most of the trade diversion comes from out of centre stores such as the Tesco Extra at Bursledon which is currently over-trading. Overall, it is considered that the retail impact of this development on existing centres would not be significant and would widen retail choice for residents within the local catchment area. Planning conditions can be imposed to limit the nature of the retail use.

6.5 Transport issues

Extensive transport improvements, including the traffic light controlled junction on Bursledon Road, were carried out as part of the 2006 planning permission. The Council's Highways team is satisfied that the proposed use can operate without adversely affecting conditions on the highway network. There is a separate enclosed vehicular servicing area at the rear of the building accessible from the private road in Gavan Street. Use of this area can operate without any adverse impact on adjoining occupiers or highway users. There is an extensive shared car parking area which also serves The Range and the leisure uses above. This car park is adequate and appears to have spare capacity.

6.6 Sustainability

This application is for a change of use only. The existing building was constructed prior to the current policy requirements relating to BREEAM and these standards cannot be applied retrospectively. The applicant will not be the

occupier of the retail unit. However, it should be possible to incorporate some sustainability measures which can be secured through a condition.

7. Summary

7.1 This proposal brings vacant accommodation back into use. It has not been possible to let the building for its approved use and there would appear to be limited demand for the uses identified in the Local Plan site allocation. Retail use would not normally be favoured on an out of centre site. However, there are mitigating factors resulting from a discount food retailer and clear regeneration/employment advantages. The applicant has produced satisfactory evidence to demonstrate there are no sequentially preferable sites which are both suitable and available. Furthermore, there would not be a significant retail impact on nearby shopping centres. Planning conditions can be imposed to control the precise nature of the retail use and to reproduce the amenity conditions imposed by the Secretary of State in 2006.

8. Conclusion

It is recommended that planning permission be granted subject to a Section 106 agreement and conditions

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(c), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a), 9(b).

RP2 for 21/08/2012 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Change of use

The use 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 - Hours of work for Demolition / Clearance / Construction [Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.

03. APPROVAL CONDITION - Hours of Use (Performance Condition)

The retail use hereby approved shall not be open for customers outside the following hours: - 0800 hours to 2300 hours Mondays to Saturdays or 0900 hours to 2230 hours on Sundays.

Reason

To protect the amenities of neighbours and to be consistent with planning permission reference 04/01828/FUL.

04. APPROVAL CONDITION - Delivery hours (Performance Condition)

No deliveries shall be taken at or despatched from the retail use hereby approved outside the hours of 0800 hours to 1900 hours.

Reason

To protect the amenities of neighbours and to be consistent with planning permission reference 04/01828/FUL.

05. APPROVAL CONDITION - Shopping Trolley Management Scheme (Pre-Occupation Condition)

The retail use hereby approved shall not commence until a shopping trolley management scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason

In the interests of safety and security and the amenities of the area.

06. APPROVAL CONDITION - Servicing arrangements (Performance Condition)

All servicing, loading and unloading relating to the retail use hereby approved shall take place from the service yard as shown on Drawing Number 05.060.PH2.100 Rev J and there shall be no servicing from the public car park side of the building.

Reason

In the interests of safety and the amenities of the area.

07. APPROVAL CONDITION - Class A1 Floorspace restriction (Performance Condition)

The Class A1 foodstore hereby approved shall be limited to a maximum net trading area of 1,400 square metres and a gross floorspace of 1,882 square metres.

Reason

To define the consent and to limit the impact of the use to that identified in the applicants Planning and Retail Statement.

08. APPROVAL CONDITION - Retail use comparison goods restriction (Performance Condition)

The retail use hereby approved shall not provide more than 150 square metres of sales floorspace for comparison goods.

Reason

To protect the vitality and viability of nearby shopping centres in accordance with Policy CS3 of the Southampton Core Strategy (January 2010).

09. APPROVAL CONDITION - No retail subdivision (Performance Condition)

The Class A1 retail use hereby approved shall not be subdivided into separate retail units without the prior written approval of the Local Planning Authority.

Reason

To safeguard the vitality and viability of nearby shopping centres.

10. APPROVAL CONDITION - Security measures (Pre-Occupation Condition)

Before the use hereby approved commences, details of a CCTV system and other security measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first retail use of this part of the building and thereafter retained.

Reason

In the interests of the safety and security of the area.

11. APPROVAL CONDITION - Noise - plant and machinery [Pre-Commencement Condition]

The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

12. APPROVAL CONDITION - Cycle and changing facilities (Pre-Occupation Condition)

The retail use hereby approved shall not be first occupied until cycle storage, changing, washing and shower facilities for members of staff have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter.

Reason

To encourage cycling as an alternative sustainable means of transport in accordance with Council policy.

13. APPROVAL CONDITION - Energy (Pre-Commencement Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions of 12.5% over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

14. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

15. 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.

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS10	A Healthy City
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
MSA17	Antelope House, Bursledon Road

Supplementary Planning Guidance

Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards (September 2011)

Other Relevant Guidance

National Planning Policy Framework

Relevant Planning History

In 1999, planning permission was granted for redevelopment to provide new buildings of 11,650 square metres floorspace for mixed leisure, retail and food and drink uses with access from Bursledon Road (reference 98/10498/OUT). This permission included a 1,500 square metres Lidl foodstore but this permission was not implemented.

04/01828/FUL – Planning permission granted in November 2006 by the Secretary of State following a called-in inquiry for a mixed use redevelopment of the site to provide retail, leisure, food and drink use and Jewsons builders merchants within Unit A.

07/01353/VC – planning permission granted in October 2007 for variation of the above permission relating to design changes of Unit A (Jewsons) in connection with redevelopment of the site.

07/01963/FUL – permission granted in 2008 for a mezzanine floor within the retail unit approved by 04/01828/FUL.

07/01925/FUL – planning permission granted in January 2008 for the construction of a temporary access road to Bursledon Road in this part of the site in connection with the approved redevelopment of the site.

07/02037/FUL – planning permission granted in February 2008 for a brick boundary wall adjoining 319 Bursledon Road.

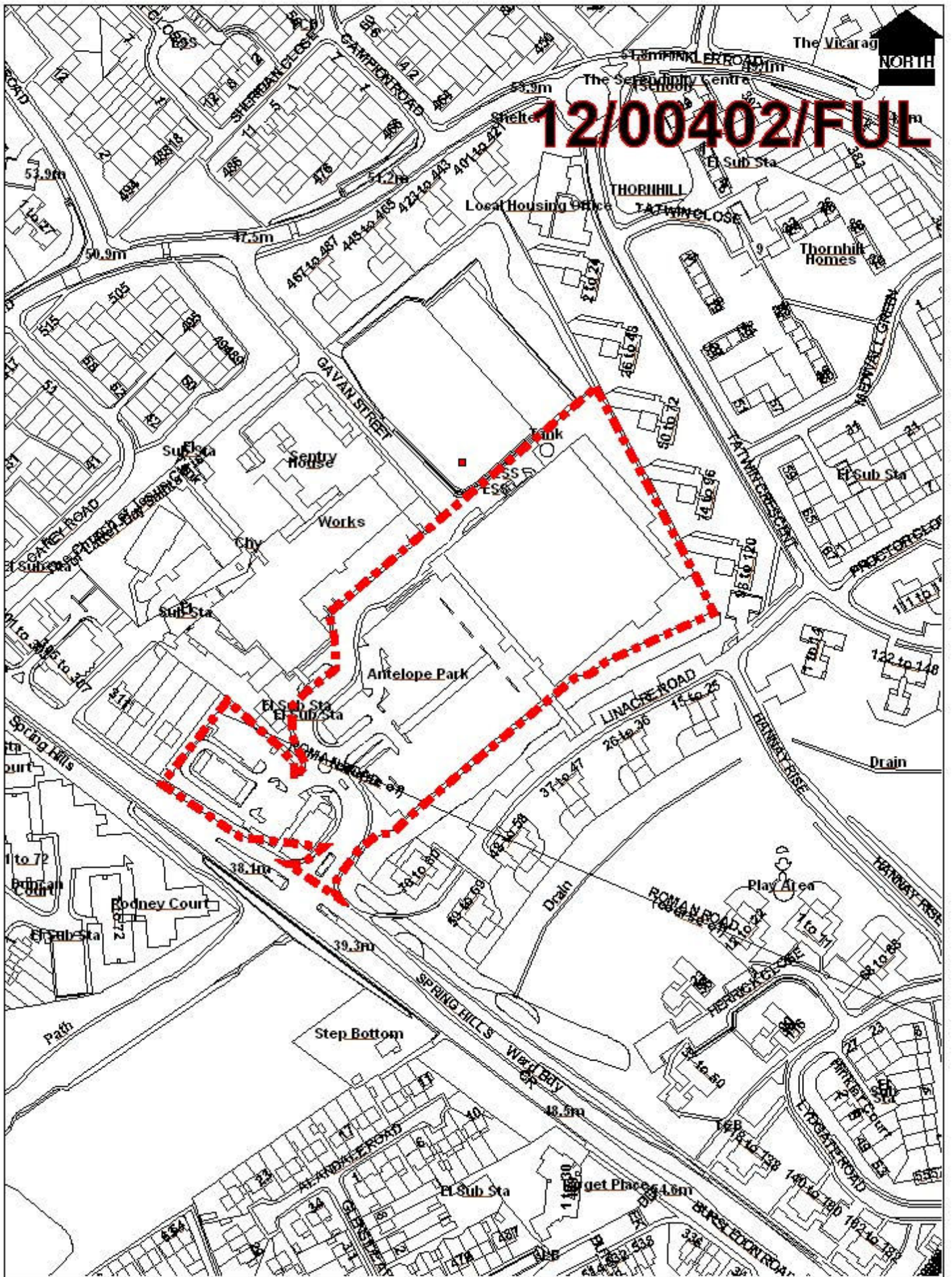
07/02048/FUL – planning permission February 2008 for a management suite and pumphouse building at the rear of the retail/leisure building within the service yard.

08/00152/FUL – planning permission granted in March 2008 for alterations to ground levels within the site relating to part of the access road and car park of the leisure and retail building.

07/02024/FUL – planning permission granted in August 2008 for infilling an existing ditch on the south side of the site in connection with redevelopment.

08/00285/FUL – planning permission granted in September 2008 for an illuminated sculpture within the roundabout (public art feature).

08/01012/FUL – planning permission granted in September 2008 for erection of a single-storey A3 retail unit on the Bursledon Road frontage (relates to Unit J - variation to the original permission).



Scale : 1:2500

Date : 09 August 2012

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