

**Southampton City Planning & Sustainability**  
**Planning and Rights of Way Panel meeting 29 May 2012**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> The Bulls Eye Public House, Butts Road SO19 1BJ			
<b>Proposed development:</b> Installation of external chiller/freezer unit to servicing area			
<b>Application number</b>	12/00360/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	John Fanning	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	07.05.12	<b>Ward</b>	Sholing
<b>Reason for Panel Referral:</b>	Referred by Planning and Development Manager at request of Ward Cllr Fitzgerald, Cllr Cunio and public interest	<b>Ward Councillors</b>	Cllr Jeffery Cllr Blatchford Cllr Kolker

<b>Applicant:</b> Tesco Stores Ltd	<b>Agent:</b> Cgms Ltd
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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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. 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, SDP7, SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning history

**Recommendation in Full**

**Conditionally approve**

**1. The site and its context**

1.1 The site is located on the corner of Butts Road and Heathfield Road. The site is currently occupied by a two-storey building which was previously in use as a public house. Land surrounding the building includes existing hard standing and open areas. There is no change in site levels on the site. The site currently has two vehicular access points, one from Butts Road and one from Heathfield Road.

1.2 The site is location within a predominately residential area, with the adjoining Butts Road frontage featuring a row of commercial use. Butts Road is a Class C classified road.

## **2. Proposal**

2.1 This application is part of a set of 8 applications which seek to facilitate the change of the property from a pub (Class A4) to a retail unit (Class A1). The change of use from pub to a retail unit does not require permission. This application refers only to the details outlined below and should be assessed on this basis.

2.2 The application seeks planning permission for the installation of a freezer/chiller unit in an area to the rear of the property.

2.3 The proposed units will be in an area enclosed by a fence intended to be erected at a height of 2m under permitted development.

## **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 1**.

3.2 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

## **4.0 Relevant Planning History**

4.1 Permission was originally granted for the erection of a licensed premises on this site in 1954. The opening hours were not restricted as part of this permission. More recently, in 2011, an application was refused for the redevelopment of the site to provide a retail unit and 8 flats.

4.2 This application is part of a set of 8 applications aimed at facilitating alterations to allow the permitted change from a public house to a retail unit. A list of all the relevant applications is included within **Appendix 2**.

## **5.0 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 and erecting a site notice on 22.03.12. At the time of writing the report **20** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The units would produce noise which would be detrimental to the residential amenity of neighbouring properties***

### **Response**

The potential for increased noise issues associated with the proposed development have been taken into account by the Environmental Health officer (see paragraph 5.5) consulted as part of this application.

5.4 **Consultation responses:**

5.5 **SCC Environmental Health** – Due to the location of the application in a predominately residential area it is recommended that additional acoustic shielding is provided to improve on the levels above background to -5dB during the daytime and -10dB during the night time.

## **6.0 Planning Consideration Key Issues**

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

### 6.2 Principle of Development

The units are located to the rear of the property and will not have a significant impact on the visual character of the unit.

### 6.3 Residential Amenity

The location of the units to the rear of the property places them towards the surrounding residential units, albeit at a distance of over 20m. With reference to the comments in paragraph 5.2 by the Environmental Health department it is judged that there is limited potential for the increased noise pollution. However, this can be adequately mitigated by the imposition of a condition requiring sound attenuation measures to be put in place.

## **7.0 Summary**

7.1 The provision of the units is supportable provided that the potential for additional noise pollution can be mitigated.

## **8.0 Conclusion**

8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for 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) (d) 4 (vv) 6 (a) (i)

### **JF1 for 29/05/12 PROW Panel**

### **PLANNING CONDITIONS**

#### **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 - Noise [Performance Condition]**

An application submitting further details of measures to mitigate noise levels shall be submitted and agreed in writing with the Local Planning Authority within 28 days of the

issuing of this decision and implemented within 3 months of those details being approved.

Reason:

To protect the residential amenity of neighbouring properties in line with SDP1(i) of the City of Southampton Local (2006).

**03. APPROVAL CONDITION - Site access [Performance condition]**

Vehicles shall only enter the site via the access on Butts Road and exit via the access on Heathfield Road. The site shall be maintained in this arrangement unless agreed in writing by the Local Planning Authority.

REASON

In the interests of highway safety.

**04. APPROVAL CONDITION - Servicing hours [Performance condition]**

All servicing of the premises, including loading and unloading, shall take place between the hours of 06:00-22:00 (6AM-10PM) unless agreed otherwise in writing by the Local Planning Authority.

REASON

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

**05. APPROVAL CONDITION - Hours of Use [Performance Condition]**

The premises shall not operate outside the following hours:

Monday to Saturday      06.00 hours to 23.00 hours    (6.00am to 11pm)

Unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

**06. 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)

CS13          Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

SDP1          Quality of Development  
SDP7          Urban Design Context  
SDP9          Scale, Massing & Appearance

Other Relevant Guidance

National Planning Policy Framework (March 2012)

**Relevant Planning History**

1006/E - Erection of licensed premises, Permitted 27/11/52

1031/24 - Erection of licensed premises, Conditionally Approved 12/1/54

1546/E8 - Formation of a new entrance porch and alterations to the external appearance, Conditionally Approved 17/10/78

1665/E40 - Erection of single storey extension, Conditionally Approved 23/7/85

11/00508/FUL - Redevelopment of the site. Erection of a 3-storey building to provide a new convenience store (class A1) on the ground floor, and 8 flats on the first and second floors (6x2-bed and 2x1-bed flats) with associated parking and cycle/refuse storage, Refused 7/7/11

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**Current applications**

12/00353/FUL, External alterations to the building including: creation of new shopfront, and infilling of existing openings at ground and first floor level

12/00355/FUL - Erection of 11 no. steel bollards on Butts Road and Healthfield Road frontages (description modified following amended plans)

12/00356/FUL - Installation of ATM to front of proposed store (description modified following amended plans)

12/00357/FUL - Erection of open sided canopy to rear of building

12/00358/FUL - Extension and reconfiguration of existing car park hard standing

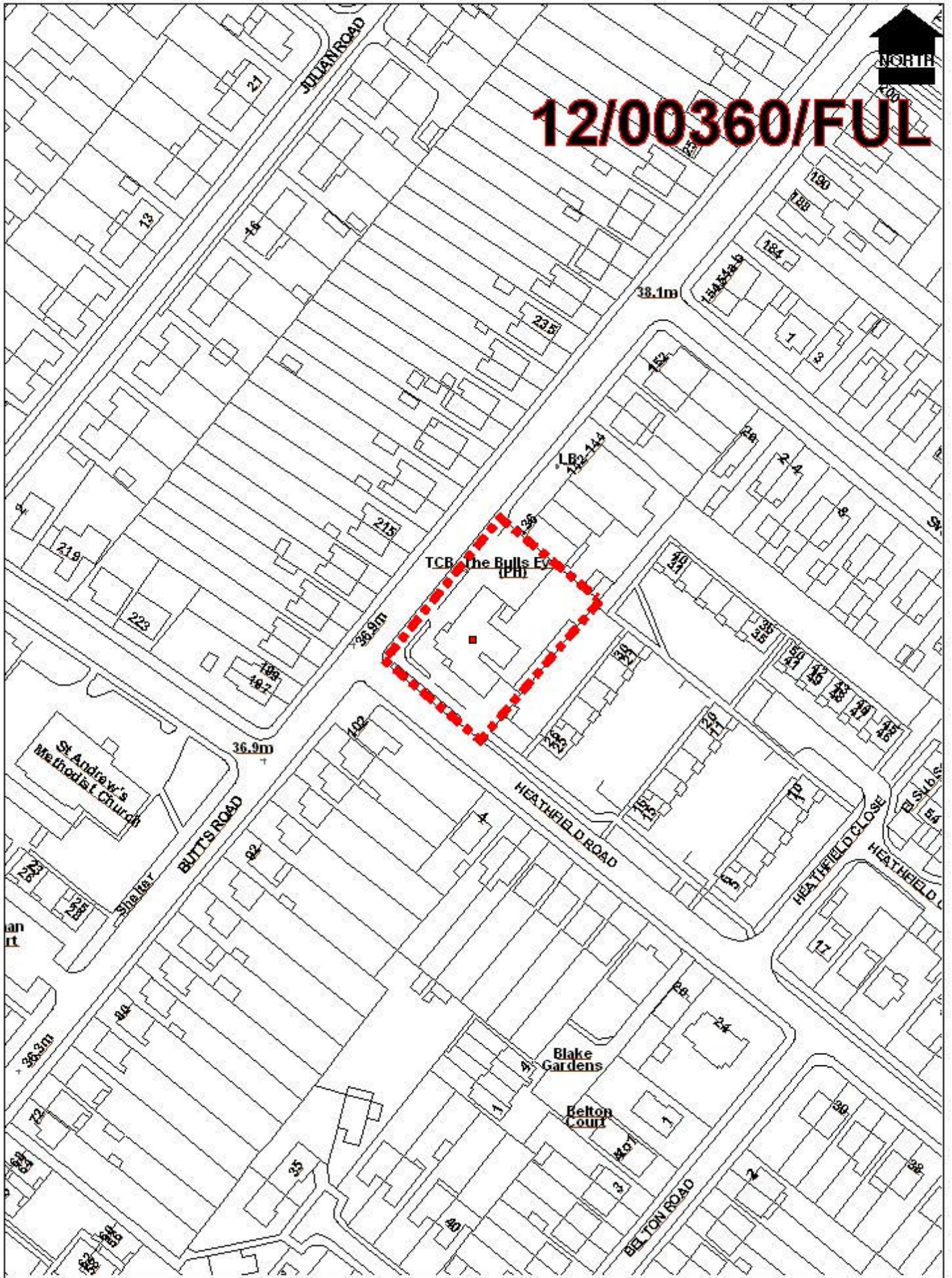
12/00359/FUL - Installation of plant equipment comprising of 3no. A/C units and external condenser unit, within contained rear plant yard

12/00360/FUL - Installation of external chiller/freezer unit to servicing area

12/00361/ADV - Advertisement application for 3 internally illuminated fascia signs, 1 projecting sign, 1 replacement gantry sign and 2 free-standing signs (description modified following amended plans)



# 12/00360/FUL



Scale : 1:1250

Date : 17 May 2012

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