

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 15 January 2013
 Planning Application Report of the Planning and Development Manager**

Application address: Heli Beds, 47-65 Bevois Valley Road SO14 0JS			
Proposed development: Redevelopment Of The Site By The Erection Of A Retail Convenience Store (379 Sqm Gross) Following Demolition Of Existing Building With Associated Car Parking Area.(Departure).			
Application number	12/01236/FUL	Application type	FUL
Case officer	Andy Amery	Public speaking time	5 minutes
Last date for determination:	09.10.2012	Ward	Bevois
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Burke Cllr Rayment Cllr Barnes-Andrews

Applicant: Sainsbury's Supermarkets Ltd	Agent: Wyg Planning And Environment
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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 has been advertised as a Departure from the Local Plan given the site allocation for housing development. The existing retail use of the site has been taken into account as has the site's location in a mixed commercial and residential area and the constraints of the site including noise and air quality. Other material considerations, including the impact on nearby residential amenity from noise, lighting, traffic and associated activity together with the Councils demonstration of a five year housing supply have been considered and are not judged to have sufficient weight to justify a refusal of the application.

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, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12,SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, H1, REI8 and TI2 of the City of Southampton Local Plan Review (March 2006) and CS4, CS6, CS18, CS19, CS20, CS24, 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 contributions for highway 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 projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - iii. Submission of a Servicing Management Plan.
 - iv. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - v. Scheme of works for the relocation and/or replacement of street lighting.
2. In the event that the legal agreement is not completed by 29 March 2013 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.
 3. 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.

1.0 The site and its context

- 1.1 The site is located mid-way along the Bevois Valley corridor in a mixed use area of commercial and residential units. The existing part two storey, part single storey buildings are currently vacant but until recently were operated by a furniture retailer 'Heli-beds'. The site is allocated in the Local Plan Review for Housing. Despite the existing retail use the site is allocated for residential development. The re-development of the site for retail purposes is therefore a departure from the local plan and the application has been advertised as such.
- 1.2 Immediately to the rear of the site are the gardens of residential properties in Ancasta Road and Earls Road.
- 1.3 On the opposite side of Bevois Valley Road are ground floor commercial units, some with residential accommodation above, within a defined local shopping centre.

2.0 Proposal

- 2.1 The proposal seeks to demolish the existing part two storey part single storey 516sq m retail store served by 3 parking spaces and replace it with a smaller single storey 379sq m unit served by 18 parking spaces and a new service lay-by. A new vehicular access would be created from Bevois Valley Road.
- 2.2 The existing ground levels would be lowered by almost 0.5m to bring the site down to street level. This requires the removal of the existing low retaining wall fronting Bevois Valley and the re-siting of an existing street light column. A retaining wall would be built along the Ancasta Road frontage with tree planting between it and the new store. The existing footpath along Bevois Valley Road will

be resurfaced and re-aligned behind the new service lay-by.

- 2.3 The rear wall of the existing building forms the boundary with the adjoining house at 9 Ancasta Road. The removal of the existing structure will therefore open up the boundary of this residential property. A condition is suggested to ensure the safety and security of the occupiers is maintained.
- 2.4 An existing tree in the south-west corner of the site is to be retained.
- 2.5 The proposals are smaller in scale than the existing retail unit and access arrangements are improved compared to the existing layout.

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**. The site is allocated in the Local Plan Review for housing.
- 3.2 New commercial developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

4.0 Relevant Planning History

- 4.1 Up to at least 2004 the site was operated by Southern Motorcycle Centre for whom the most recent applications relating to the site in 2002 and 2003 were submitted. The site operated more recently as a retail outlet (Helibeds) until 2012.
- 4.2 A more detailed history is set out in **Appendix 2** to this report.

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 85 adjoining and nearby landowners, placing a press advertisement (01.11.2012) and erecting a site notice (06.09.2012). At the time of writing the report **6** representations have been received from surrounding residents consisting of 5 objections and 1 of support.

The issues raised by local residents include noise from plant and equipment and servicing, light pollution, opening hours which are much longer than those imposed on previous occupiers of the site, position of car parking, security, structural stability and anti-social behaviour.

- 5.2 **SCC Highways** - No objections following on site meetings to discuss and agree technical details including the provision of the service lay-by, the relocation of the street light, the re-alignment of the footpath and the position of the new vehicular access.
- 5.3 **SCC Housing** – No comments received.
- 5.4 **SCC Sustainability Team** – No objections subject to the sustainability measures being introduced and conditions imposed.
- 5.5 **SCC Architect’s Panel** – Supported design approach at pre-application stage.
- 5.6 **SCC Environmental Health (Pollution & Safety)** - No objections subject to conditions re noise, lighting and others including need for demolition method statement.
- 5.7 **SCC Environmental Health (Food Safety)** – No comments.
- 5.8 **SCC Environmental Health (Contaminated Land)** - Given historic land uses including a 'Smithy' request conditions be imposed.
- 5.9 **SCC Policy** – The site is allocated for residential therefore this is a departure from the local plan. A mixed use scheme rather than purely retail would be preferable, but confirm that retail is supportable in policy terms.
- 5.10 **BAA** – No comments received.
- 5.11 **Southern Water** – No comments received.

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 site is allocated for residential development and therefore a purely retail scheme is a departure from the Local Plan. Consideration has been given to the existing authorised retail use of the site, the constraints of the site including noise and air quality that a residential scheme would have to address, the mixed use character of this section of the Bevois Valley including a number of retail and commercial units and the significant environmental and highway safety improvements being delivered as part of the proposal. In the absence of any residential scheme coming forward since its allocation for residential use and given the Council’s demonstration of a 5 year housing supply it is not considered that the redevelopment of the site for retail purposes unduly prejudices the Council’s housing supply or delivery strategy.

6.3 Design and Layout

The design and layout of the site and building represents a significant improvement in terms of quality, visual amenity and safety compared to the existing situation. The existing vacant building is becoming poorly maintained and

the condition of front boundary wall and poorly surfaced frontage detracts from the character of the street. The overgrown service yard and deteriorating outbuildings have become a target for fly-tipping and anti-social behaviour despite the presence of security gates. The proposed building is lower in height and smaller in footprint than the existing thereby reducing its impact on neighbours. The regrading of the levels improves both pedestrian and vehicular access to the site whilst the proposed re-surfacing will greatly improve this section of public realm. The new service lay-by will avoid obstruction and congestion along Bevois Valley Road.

6.3.1 Impact on Neighbours

5 objections have been received from 2 separate addresses in the immediate area. The landlord and occupants of the adjoining property in Ancasta Road have raised concerns about security and structural stability during demolition of the existing building which forms the actual boundary of the site. It is recognised that the demolition of this structure will open up the adjoining property and therefore a condition has been added to ensure this is secured at all times during the development process with an appropriate form of boundary treatment. Structural issues will be dealt with by the applicant by way of the Party Wall Act. The physical size of the proposed building will have less of an impact on the neighbours than the existing. The re-location of the site access from Ancasta Road to the southern end of Bevois Valley Road will also remove activity away from nearby house frontages. The introduction of car parking to the rear service yard will have a greater impact on rear gardens, but the area is fully enclosed and technical reports relating to lighting and noise associated with this area have demonstrated sufficiently to the EHO that no harm will be caused. Similarly the rooftop plant and equipment has been designed and enclosed so as to ensure neighbours will not be harmfully affected by any noise associated with it. The proposed opening hours of 0700 to 2300 are typical of stores of this size in mixed use areas. Whilst these are longer than approved on earlier operators of the site it is not considered that harm will be caused to immediate neighbours as a result of reasonable customer behaviour and activity. The boundaries of the car park where they back onto rear gardens need to be robust and a condition has been imposed to secure this. Lighting within the rear car park also needs to be carefully designed and put on restrictors so that they are not left on whilst the store is closed to customers. On balance, whilst there will be elements of the scheme which reduced the impact on neighbours and other elements which introduce additional activity and potential disturbance, conditions can be imposed to address and mitigate any impact on neighbours.

6.3.2 Highway Safety

The access arrangements, the new lay-by and the re-surfacing of the public realm all represent significant improvements to the existing arrangements. The level of parking provision is considered to be acceptable given the need to ensure customers with cars have capacity to park off the road and reduce the likelihood of drivers parking on Bevois Valley Road. The re-siting of the ATM to the side elevation also reduces the likelihood of people pulling up on the highway to use that facility. The provision of customer cycle hoops is supported as is the re-alignment of the public highway and re-grading of the site in terms of ease of access.

7.0 Summary

7.1 The existing authorised use of the site is retail. The constraints of the site, including noise and air quality would have to be addressed financially through construction techniques to make a residential scheme acceptable. The mixed use character of the area including a number of retail and commercial units in the immediate vicinity would enable a revamped retail outlet to sit comfortably within the street scene. The improvements proposed in terms of design, scale, access, landscaping and public realm will significantly improve the environmental and visual quality of the site. The conditions suggested will safeguard nearby residents from undue disturbance in the form of noise, light and general activity associated with the operation of the site.

8.0 Conclusion

8.1 The main issue is the departure from the local plan allocation for residential development.

8.2 The Council's demonstration of a 5 year housing supply will not be prejudiced by the site not being delivered for housing.

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

1a-d, 2b-d, 4f, 5e, 6a, c, 7a, 8a, 9a-b

AA for 15/01/13 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 - 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 - Service Lay-by - [Performance Condition]

The retail store shall not be open for business unless and until the new service lay-by and re-aligned pedestrian route has been provided in accordance with the approved plans, including the re-siting of a street light and other utility infrastructure.

REASON

To enable servicing of the site to be undertaken without causing obstruction to the public highway.

04. APPROVAL CONDITION - New access, parking spaces and cycle storage - [Performance Condition]

The retail store shall not be open for business unless and until the new vehicular access, parking bays and visitor cycle stands have been provided in accordance with the approved plans. These facilities shall be thereafter retained and maintained for use by customers as approved whilst the retail use hereby approved remains in operation.

REASON

To ensure appropriate facilities are available for customers during store opening hours.

05. APPROVAL CONDITION - Hours of Use - food/drink establishments [Performance Condition]

The retail unit hereby permitted shall not operate (meaning that customers shall not be present on the premises) outside the following hours:

Monday to Sunday and recognised public holidays 0700 hours to 23.00 hours
(07.00am to 11.00pm)

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

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

06. APPROVAL CONDITION - Delivery times [Pre-Occupation Condition]

No servicing or deliveries shall be undertaken outside the following times:

Monday to Fridays and Public Holidays: 0600 to 0800, 1000 to 1500 and 1900 to 2100

Saturdays: 0600 to 0900 and 1900 to 2100

Sundays: 0800 to 1000 and 1900 to 2100

Reason:

To avoid obstruction of the highway at peak traffic congestion periods in the interests of highway safety and to protect the amenities of nearby residential occupiers.

07. APPROVAL CONDITION - Materials to be used on the site - [Performance Condition]

All materials to be used on the external areas of the building including walls, roof, glazing and frames, soffits, fascias and rainwater goods, and the hardsurface treatments within the site including parking areas, pedestrian routes and delineation between public and private areas shall be in accordance with the approved schedule of materials unless otherwise agreed in writing with the Local Planning Authority.

REASON

In the interests of visual amenity.

08. APPROVAL CONDITION – Contractors’ Compound (Pre-Commencement Condition)

Detailed plans specifying the areas to be used for contractors’ vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. The development shall proceed in accordance with the agreed details

Reason:

To minimise the impact on the adjacent highway and in the interests of the amenities of nearby residents.

09. APPROVAL CONDITION - Wheel Cleaning Facilities [Performance Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

10. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

11. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Excellent against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

12. APPROVAL CONDITION - Sustainability statement implementation [Pre-Opening Condition]

Prior to the retail unit hereby granted consent first opening the approved sustainability measures as set out in section 4.0 of the Design and Access statement shall be implemented and continued to be operated unless evolving best practice enables more sustainable methods to be operated or as otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

13. APPROVAL CONDITION - Lighting [Pre-Commencement Condition]

The installation of all lighting serving the development must be undertaken and thereafter maintained in accordance with the approved Lighting Assessment including the fitting of mitigation measures to the external lighting in the car park.

Reason:

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

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

The retail use hereby approved shall not commence until the recommendations of the acoustic report and in particular the 'noise control scheme' identified in section 7 of that report have been implemented in full. The site shall continue thereafter to operate in accordance with the agreed details.

Reason:

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

15. APPROVAL CONDITION - Surface water drainage [Performance Condition]

The scheme shall be implemented so as to ensure that no surface water flows from the car park and vehicular access onto public highway fronting the site.

Reason:

To ensure satisfactory drainage provision is made within the site in the interests of highway safety.

16. APPROVAL CONDITION - Retaining Walls [Pre-Commencement Condition]

Full details of the design and construction method of all boundary treatment including new retaining walls and other structures on the site shall be submitted to and approved by the Local Planning Authority in writing before development commences.

In particular details of the design, including height, alignment, materials and finish for the new boundary wall required between the site and 9 Ancasta Road must be agreed and then implemented prior to construction on the store itself unless otherwise agreed in writing with the Local Planning Authority.

All means of enclosure as agreed shall be subsequently provided and thereafter maintained as part of the development works hereby approved.

Reason:

In the interests of safety and security of the site and immediate neighbours.

17. APPROVAL CONDITION - Landscaping [performance condition]

The existing tree in the south-west corner of the site shall be protected during the course of demolition and construction and thereafter retained.

The new tree planting within the proposed retaining structures (planters) along the Ancasta Road frontage must be planted within the first planting season following completion of the development.

If within a period of five years from the date of the planting of any tree , or any tree 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 planted as part of the landscaping scheme are replaced in accordance with that scheme.

18. 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)

CS4	Housing Delivery
CS6	Economic Growth
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
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
H1	Housing Supply
REI8	Shopfronts
TI2	Vehicular Access

Other Relevant Guidance

National Planning Policy Framework 2012

Relevant Planning History

03/01107/Ful New fire escape and plant and equipment (for Southern Motor Cycle Centre)

CAP - Approve with Conditions 08.10.2003

02/00952/FUL Demolition of existing buildings and erection of part 1/part 2 storey front and side extension to provide extended showroom, office accommodation and replacement workshop. (for Southern Motor Cycle Centre)

CAP - Approve with Conditions 15.11.2002

93/0099/Ful Change of Use to motorcycle sales and servicing (for Southern Motor Cycle Centre)

CAP - Approve with Condition 23.04.1993

91/0587 Change of Use of Car Showroom to retail sales (for Myco Car Limited)

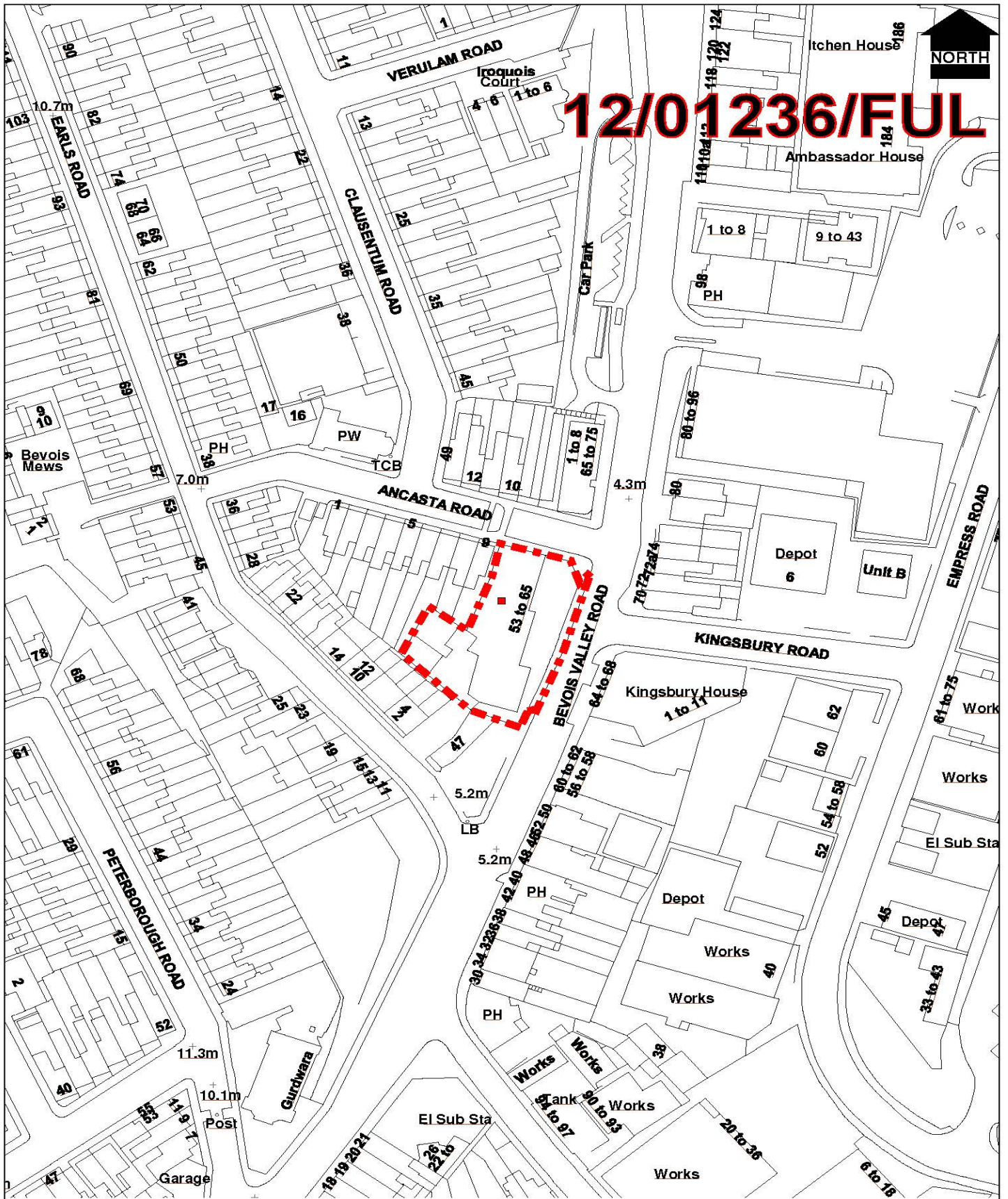
CAP - Approve with Conditions 20.05.1992

91/0718 Retention of Showroom and Workshop (for Myco Car Limited)

CAP - Approve with Conditions 08.11.1991

91/0512/Ful First floor extension over workshop (for Westwood Motors Car Sales)

CAP - Approve with Conditions 18.11.1991



12/01236/FUL

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Date :04 January 2013

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