

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 17 April 2012
Planning Application Report of the Planning and Development Manager

Application address:
 224 Portswood Road SO17 2LB

Proposed development:
 Variation or removal of the following conditions of planning permission ref 10/01399/OUT to provide a new supermarket. Variation of **condition 20** to allow opening hours of 07:00 to 23:00 Monday to Saturday and 09:00 to 17:00 on Sundays and imposition of restrictions on the use of the car park by the public to prevent access earlier than 30 minutes prior to the store opening and 60 minutes after the store closing time. Variation of **condition 41**- delivery hours, to allow no more than 3 deliveries to be received or items despatched from the retail building between the hours of 2300 to 0700 Monday to Saturday. On Sundays no deliveries to be take place before 0800 and no more than two deliveries to take place after 6pm. Variation of **condition 58**- to restrict the allocation of the parking spaces for the D1 use to between the hours of 0900 and 17.30 Monday to Friday.(As amended by letter dated 01.03.2012).

Application number	11/01877/FUL	Application type	FUL
Case officer	Andy Amery	Public speaking time	15 minutes
Last date for determination:	28 February 2012	Ward	Portswood
Reason for Panel Referral:	Major Development	Ward Councillors	Cllr Adrian Vinson Cllr Matthew Claisse Cllr Capozzoli

Applicant: Sainsbury's Supermarkets Ltd	Agent: Wyg Planning And Design
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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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Appendix attached			
1	Development Plan Policies	3	Panel report for 10/01399/Out
2	Relevant Planning History		

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below, specifically with specific regard to the proposed variation of the conditions, which is considered to be acceptable taking into account the issues set out into the 17.4.2012 Panel Report including the amenity of nearby residents, the retail impact on Portswood District Centre and the viability of the D1 Use. With regard to the overall development of the site originally considered and approved under 10/01399/Out, with minor external changes agreed under 12/00094/NMA, all other material considerations including:-

- increased size of the store and the resultant additional traffic generation;
- the increased size of the store and the resultant additional impact on the district centre;
- the impact on the surrounding area including nearby conservation areas;
- the level of car-parking;
- the loss of trees;
- the provision of open space and play space;
- protected species;
- the proposed mix of uses;
- the impact of the development on the character of the area and the nearby residential occupiers,

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.

City of Southampton Local Plan Review (March 2006) 'saved' policies:-

SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, SDP17, SDP19, SDP21, SDP22, HE6, CLT5, CLT6, H1, H2, H3, H7, REI7, REI8 and TI2.

City of Southampton Core Strategy (January 2010) policies:-

CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23, CS24 and CS25.

Recommendation in Full

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

The applicant entering into a Section 106 Legal Agreement to secure:

i. Either

a financial contribution towards site specific transport contributions for highway and pedestrian facility improvements in the vicinity of the site

or

provision to implement an agreed series of works under S.278 of the Highways Act in line with policies SDP4 of the City of Southampton Local Plan Review (March 2006), CS18 and CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

- ii. The retention of the on-site equipped children's play area that has been provided;
- iii. The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy.
- iv. The submission, approval and implementation of a Green Travel Plan (GTP) to address the impact of the parking provision so that it can be assessed along with the transport needs of the development;
- v. A commitment to local labour and employment initiatives both during the construction phase and post completion;
- vi. The submission of a highway condition survey.
- vii. The funding of any Traffic Regulation Orders required for the above measures and to enable the development to be implemented.
- viii. The provision of an unencumbered access for cyclists and pedestrians linking Belmont Road and Portswood Road prior to first occupation of the retail unit.
- ix. Improvements to the public realm in the vicinity of the site
- x. The provision of affordable housing in accordance with policy CS15 of the City of Southampton Core Strategy (January 2010).
- xi. Contributions towards the provision of or improvements to public open space.
- xii. Management of the car-park to ensure its' availability to serve the Portswood District Centre

- xiii. Lorry routing for construction and servicing vehicles
- xiv. Arrangements to limit noise generated by refrigerated delivery vehicles
- xv. CCTV provision.
- xvi. The provision and level of fit-out including timescales for delivery of the community use building

It should be noted that the s106 will be identical (whilst acknowledging the play area has been provided) to that originally entered into on 10/01399/OUT but procedurally a new s106 is required to run with this application.

1. The site and its context

- 1.1 The site is now open and operating as a superstore in accordance with planning consent 10/01399/OUT and the non-material amendments to the building agreed under 12/00094/NMA (comprising: Roof mounted flue to serve bio-mass boiler, 3 x external access ladders to roof, balustrades to raised walkways, alterations to window detail at 2nd floor level on south elevation (to D1 Use), additional windows to first floor level on south elevation (facing St Denys' Road), Fire escape stair to rear elevation, repositioning of canopy support in north east corner of site (fronting Portswood Road), removal of solid canopy section above store entrance and additional fencing to rear boundary along retaining wall.
- 1.2 The remaining part of the site along the eastern section of St Denys' Road, and fronting Belmont Road has outline consent for 59 residential units. There are no current proposals for this area of the overall development of the former bus depot.

2. Proposal

- 2.1 The application seeks to vary three of the conditions imposed of the 10/01399/Out consent.
- 2.2 **Condition 20** currently states:

APPROVAL CONDITION - Operating Hours

Unless otherwise agreed in writing by the Local Planning Authority, the retail building, its car park and associated travelators shall not be open for business outside of the hours of 0800 to 2100 Monday to Saturday and 0900 to 1700 on Sundays.

Reason:

To protect the health and vitality of the existing district centre.

The applicants are now seeking the following wording for condition 20:

Variation of condition 20 to allow opening hours of 07:00 to 23:00 Monday to Saturday and 09:00 to 17:00 on Sundays and imposition of restrictions on the use of the car park by the public to prevent access earlier than 30 minutes prior to the store opening and 60 minutes after the store closing time.

This effectively allows an additional 3 hours of trading each day from Monday to Saturdays) and extends the period during which the car park can be accessed by a further half hour in the morning (i.e. from 6.30am) and an extra hour after closing (i.e. 12midnight)

2.3 Condition 41 currently states:

APPROVAL CONDITION - Retail Store Delivery Times - Performance Condition

Unless otherwise agreed in writing by the Local Planning Authority no deliveries shall be received or items despatched from the retail building outside the hours of 0700 to 2300 Mondays to Saturdays and 0800 to 1800 Sundays and Public Holidays.

Reason:

To protect the amenity of neighbouring residential dwellings.

The applicants are now seeking the following wording for condition 41:

Variation of condition 41- delivery hours, to allow no more than 3 deliveries to be received or items despatched from the retail building between the hours of 2300 to 0700 Monday to Saturday. On Sundays no deliveries to be take place before 0800 and no more than two deliveries to take place after 6pm.

This would allow no more than three vehicle movements during the night-time period each day from Monday to Saturday.

2.4 Condition 58 currently states:

APPROVAL CONDITION - Allocated Parking for D1 Use - Pre-occupation condition

Prior to first occupation of the store a minimum of 10 parking spaces shall be identified on a plan to be agreed in writing by the Local Planning Authority for sole use of the D1 facility. The spaces shall be marked out and retained for the D1 use customers and staff only whilst the D1 use operates from the site.

Reason:

To ensure appropriate numbers of spaces are made available in a safe and convenient location to serve the D1 floorspace hereby approved.

The applicants are now seeking the following wording for condition 58:

Variation of condition 58- to restrict the allocation of the (10) parking spaces for the D1 use to between the hours of 0900 and 17.30 Monday to Friday. (As amended by letter dated 01.03.2012).

It should be noted that the D1 use area of the building is not yet occupied. The s106 agreement safeguards the occupation of the area to be offered first to the Council or partner organisation. The decision as to who occupies the space, as long as they are a D1 operator is not a matter that will require further planning input.

- 2.5 The conditions are the only element of the decision which the applicant is seeking to alter from the development which was considered by the Planning and Rights of Way Panel in January of 2011.

The current development plan policies against which the application for both the retail element and the residential element of the scheme was assessed and determined remain unchanged and therefore all matters such as traffic generation, car parking, retail impact, design and layout, sustainability and landscaping/planting have been previously considered to be in accordance with the development plan.

The consideration of this application focuses therefore on the implications for allowing the variation of the three conditions in terms of impact on amenity and the character of the area.

The suggested conditions, again for sake of procedure, re-introduce all those conditions imposed on the original 10/01399/OUT outline consent other than the originally imposed condition 65 which is not possible to implement.

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 Major 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.

4.0 Relevant Planning History

4.1 As set out in Appendix 2.

It should be noted that the currently approved application (10/01399/OUT) introduced significant changes to the earlier approved scheme which can be summarised as follows:

(i) The store was extended into the ground floor area that would have originally formed the health centre building increasing the gross floor area from 7,492sq m to 9,730sq m and the net sales area from 3,716sq m to 4,645sq m.

(ii) A new D1 Use 'community facility' of 1,660 sq m is provided at upper floor level above the northern end of the store with street level entrance lobby accessed directly off Portswood Road and comprising lift and stair access.

(iii) The vehicular access serving the store was moved northward in Portswood Road.

(iv) The children's play area (LEAP) has been relocated closer to the entrance of the store in St Deny's Road and is now open for use.

(v) Additional tree planting has been provided (and now planted) in the form of a treed and landscaped belt between the retail and residential areas at the rear of the covered service area and also along the northern edge of the store access road.

(vi) The external appearance of the store has been revised to provide greater activity along the Portswood Road and St Deny's Road frontages, including a full height glazing element at the junction of St Deny's Road. The height of the store on back edge of pavement has been slightly reduced.

(x) The amount of car-parking to serve the store has increased from 325 to 344 spaces.

4.2 None of these aspects of the development, which was considered by the Planning and Rights of Way Panel in January of 2011, have altered.

The current development plan is the same as that considered at the time of the application and therefore all matters such as traffic generation, car parking, retail impact, design and layout, sustainability and landscaping/planting have been previously considered in accordance with the development plan.

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, placing a press advertisement (29.12.2011) and erecting a site notice (15.12.2011). At the time of writing the report 97 representations from 56 objectors had been received.

56 letters were received as a result of the original consultation on the application, which at that time also included a variation of condition 19 to allow a pharmacy to be provided in the store.

Following the applicants amendments to the application, deleting the request to vary condition 19 and amending the nature of the variation sought to condition 58, a further 41 letters had been received at the time of writing the report, re-iterating the strong objections to the proposed variation of the conditions.

A spreadsheet highlighting the range of issues raised is summarised as set out below. The number in brackets refers to the number of objectors raising the stated issue.

Objections to Condition 20: Operating Hours

Impact on existing retailers in Portswood (30)
Increase disturbance (23)
Increased noise (26)
Increased light pollution (11)
Increase traffic congestion (18)
Rat running along Grosvenor Road (1)
Not suitable for residential area (17)

Objections to Condition 41: Delivery Times

Late night noise (34)
Late night disturbance (31)
Not in line with other retailers (3)
Not appropriate for residential area (22)

Objections to Condition 58: D1 (Community Use) Car Parking

Jeopardise success of the community use (19)
Underutilisation of the space may result in it becoming part of the store (9)
Important to keep the mixed use element (4)

Other issues raised not specifically attributed to a specific condition:

Ethics of big business (27)

Lack of justification (8)
Harm to the character and amenity of the area (25)
Not suitable for a residential area (11)

5.2 **SCC Highways** - No objections raised.

5.3 **SCC Environmental Health (Pollution & Safety)** - No objections raised. The number of proposed deliveries is small and the service yard is fully enclosed thereby reducing the potential impact of noise and disturbance at un-neighbourly hours.

5.4 **SCC Planning Policy:** Raise no objection to the variation of conditions 20, 41 and 58 as these relate to 'amenity' issues and rather than the Council's retail policies. The original objection to the relaxation of condition 19 to allow a pharmacy has been addressed by the removal of that element of the application.

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 principle of development has already been considered under the currently adopted policies of the Development Plan as set out in this report and has been the subject of a referral to the Secretary of State.

There have been no material changes to the development plan policies relevant to the consideration of the development of the site as a superstore and no material changes to the size, layout, design or other elements of the development.

The principle of the development as built therefore remains acceptable.

6.3 Condition 20: Operating hours.

The original officers recommendation as presented to panel in January 2011 recommended the following hours:

Unless otherwise agreed in writing by the Local Planning Authority, the retail building, its car park and associated travelators shall not be open for business outside of the hours of 0800 to 2300 Monday to Saturday and 0900 to 1700 on Sundays.

The reason for imposing this restriction was:

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

These hours are consistent with previous approvals given on the site.

Members imposed the more restrictive operating times with the reason given as 'to protect the health and viability of the district centre'

In consultation with the Council's retail policy planners it has been stated that an objection to the increased hours cannot be substantiated on retail impact grounds. The proposed evening hours are consistent with previously approved hours on this site. It must also be recognised that there are no conditions imposed on other retail operators within the adjacent Portswood District Centre that require the store operators to be limited to the hours of trading being proposed for Sainsbury's. There are also no policies limiting the trading hours being sought on commercial premises in this location or within the adjacent district centre.

The earlier opening time of 7.00am which would allow first use of the car park at 6.30am will introduce greater activity on the roads in the vicinity of the site at a time which could impact on residential amenity. However, the original bus depot saw the majority of bus activity at these times as staff arrived at the site and buses left to be in position on the public transport network to meet the demand for the morning 'rush hour'. The role of the district centre also includes activity during this period, including servicing. On balance, given these factors it is not considered that an objection could be substantiated on amenity grounds either.

6.3.1 Condition 41: Delivery Times

The site has been designed with a fully enclosed service yard designed to ensure all activity other than the arrival and departure of a vehicle is undertaken in a sealed and noise attenuated environment.

Given the low number of vehicle movements being requested and given the lorry routing measures already in place which require vehicles to enter and leave via Thomas Lewis Way, it is not considered there would be significant risk to residential amenity given existing traffic movements in the vicinity of the site.

There are no objections to the proposed variation of this condition from either Environmental health on noise or amenity grounds or from highways on highway safety grounds.

6.3.2 Condition 58: Car Parking for D1 Use

The current approval allocates 10 of the total number of 344 parking spaces closest to the access road and entrance to the separate D1 Use for specific use by the occupiers of the D1 Use. The space allocated for D1 Use is not yet occupied and until such time as it is the enforcement of condition 58 would not be expedient.

The car park is a 'public' car park with a maximum parking limit of two hours. The car park therefore also serves the existing district centre and surrounding area. It is not necessary to shop at Sainsbury's to be able to park there for up to two hours.

The logic behind the condition is that Sainsbury's will still be able to operate their store if 334 spaces are available for their customers to use but a D1 operator may not be able to function if their customers have no parking provision.

The proposed amendment to the condition ensures specific allocation of the spaces during 'typical' daytime operating hours but would not prevent customers for the D1 using other spaces within the car parking during the stores full operating times.

This is considered to be a reasonable compromise which is not considered to be likely to jeopardise to successful occupation and operation of the D1 space.

7.0 Summary

7.1 The high levels of objection and concern from the local community are recognised and understood.

However with regard to the operating hours, officers need to make consistent recommendations with earlier decisions that have been made on this site, and recognise that those decisions were subject to scrutiny by the Secretary of State. The Council's retail policy planners have confirmed that an objection to the extended hours cannot be substantiated on retail impact grounds. The level of activity which existed relating to the former use of the site immediately prior to its redevelopment, the site's location on the edge of a district centre site and the legitimate trading hours of other nearby commercial units makes it difficult to justify a refusal of amenity grounds.

The fully enclosed service yard and existence of a lorry routing agreement, combined with the low number of vehicle movements being requested means that there are no objections to the proposed variation of the servicing hours condition.

The safeguarding of 10 spaces to serve the D1 Use during typical daytime operating hours with the opportunity to use other spaces within the car park at other times is a reasonable compromise that is not likely to jeopardise to successful operation of the D1 Use.

8.0 Conclusion

That the proposed variations to conditions 20, 41 and 58 are acceptable in planning terms and the scheme should be approved.

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

1a, 1b, 1c, 1d, 2b, 2d, South East Plan Regional Spatial Strategy (May 2009), 4f, 5a, 5e, 6a, 6c, 6f, 7a, 9a, 9b.

AA for 17/04/2012PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration:

a. For the purposes of that area of the site comprising the retail store, the community facility, the new tree planting belt and the Local Equipped Area of Play and the emergency exit routes from the underground car park namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure, the scale, massing and bulk of the structure, and the principles of the landscaping areas (both hard, soft and including enclosure details) of the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority within 3 months of the date of this consent:-
Landscaping: Tree pit design and planting specification should be supplied for all of the tree and shrub planting. In relation to sections of soft landscape fronting St Deny's Road, including the play area, further full details of the tree and shrub planting design should be submitted for these elements. (See Note to applicant below).
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

b. For the purposes of that area of the site comprising the residential development namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the scale, massing and bulk of the structure, and the principles of the landscaping areas (both hard, soft and including enclosure details) of the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:-
the appearance and architectural design specifying the external materials to be used,

and the detailed landscaping of the site specifying both the hard, soft treatments, including tree planting, means of enclosures and the layout and specification for the public open space fronting Belmont Road.

(ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission

(iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

Reason:

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

Full details of the manufacturers, types and colours of the external materials to be used for the new housing, including samples if required, shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve buildings of high visual quality.

03. APPROVAL CONDITION - Anti-social behaviour [Pre-Commencement Condition]

Those measures approved by the local planning authority relating to management of the car parking area to the retail store, shall be operated at all times, so as to discourage the antisocial use of the public areas including the underground car-parks, surface parking areas, ramps, travelators and landscaped areas by skateboarders, cyclists and rollerbladers.

Reason

In the interest of residential amenity.

04. APPROVAL CONDITION - Details of Piling Method [Pre-Commencement Condition]

The method of piling foundations for the residential development shall be carried out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any piling begins. No percussion or impact driven piling operations shall take place unless agreed.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed.

05. APPROVAL CONDITION - Shop Frontage [Performance Condition]

The proposed retail store shall incorporate and maintain the active frontage along the Portswood Road and St Deny's frontage as shown on the approved plans. All glazing to the shopfronts shall be maintained as laminated glass.

Reason

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

06. APPROVAL CONDITION - Landscaping scheme [Pre-Commencement Condition]

The approved detailed landscaping scheme required to be submitted by Condition 1a, shall be implemented prior to the first opening of the store and shall include the retention and maintenance of the new tree belt between the store and the residential site. The approved scheme shall be carried out in accordance with a programme to be agreed in writing by the Local Planning Authority before the development commences. Any trees, shrubs, seeded or turfed areas which, within a period of 5 years from the date of planting (including any replanting) die, fail to establish, are removed or become damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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.

07. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

All trees and shrubs to be retained shall be fully safeguarded during the course of all site works including excavation, construction and building operations. Before any work is commenced on site, trees or other features which are to be retained shall be fenced off from the working area with 1.2 metre high chestnut fencing to

B.S. 1722, Part 4 as follows:

(a) For trees and shrubs, the fencing shall follow a line 1 metre outside the furthest extent of the canopy, unless otherwise agreed in writing by the Local Planning Authority.

Details of the position of all protective fencing pursuant to this condition shall be indicated on a site plan and agreed in writing by the Local Planning Authority before any site works commence. The fencing shall be maintained in position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority, following which it shall be removed from the site. No goods, materials, soil, etc., shall be stacked or stored inside the fenced off area.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

08. APPROVAL CONDITION - Protective fencing [Pre - Commencement Condition]

Details of the position of all protective fencing for the residential element of the development hereby approved, pursuant to Condition 7 shall be indicated on a site plan and agreed in writing by the Local Planning Authority before any site works commence. The fencing shall be maintained in position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority, following which it shall be removed from the site. No goods, materials, soil, etc., shall be stacked or stored inside the fenced off area.

Reason:

In the interests of the visual amenities of the adjoining residents and the character of the area.

09. APPROVAL CONDITION - No burning of materials

No burning of demolition or construction materials shall take place on the site.

Reason:

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

10. APPROVAL CONDITION - Hours of Construction

Unless otherwise agreed in writing by the Local Planning Authority all works relating to the construction of the development hereby permitted, demolition and ground preparation prior to construction, shall only take place between the hours of 0800 and 1800 Monday to Friday (excluding Public Holidays) and 0800 to 1300 Saturdays and at no time on Sundays or Public Holidays.

Reason:

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

11. APPROVAL CONDITION - Dust Control [Pre-Commencement Condition]

Measures to control dust generated by construction activities shall be implemented in accordance with details (including a method statement) agreed in writing by the Local Planning Authority before the development commences.

Reason:

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

12. APPROVAL CONDITION - Wheel Cleaning

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 have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

13. APPROVAL CONDITION - Soundproofing [Residential Pre-Commencement Condition]

The residential element of the development hereby approved must make provision for soundproofing so as to protect the occupants of the residential units from traffic noise from the adjoining highway and from noise generated by the shop and basement car park. Details must be submitted to and agreed in writing by the Local Planning Authority before any development of the residential phase of development commences. The soundproofing agreed by the Local Planning Authority pursuant to this condition must be implemented before any of the dwelling units are first occupied.

Reason:

In order to protect occupiers of the new housing from traffic noise and noise generated by the shop and basement car park.

14. APPROVAL CONDITION - Contractors Compound [Residential Pre-Commencement Condition]

Detailed plans specifying the areas to be used for building operatives' and contractors' vehicle parking and plant, storage of building materials and any excavated material, huts, and all working areas required for the construction of the residential phase of development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall then be implemented in accordance with the approved details and the areas identified for the above purposes shall be retained and kept available for those purposes.

Reason:

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

15. APPROVAL CONDITION - Restriction

No building, structure or crane exceeding 54.3m AOD shall be constructed within the application boundary.

Reason:

So that it does not breach the Obstacle Limitation Surfaces detailed in CAA Publication CAP168 Licensing of Aerodromes.

16. APPROVAL CONDITION - Lighting scheme [Pre-Commencement Condition]

The development shall be undertaken in accordance with details already approved under 09/00513/OUT for the of the scheme of lighting required to be provided during construction of the retail and be operated so as to comply with Advice Note 2, Lighting Near Aerodromes, (also available at www.caa.co.uk/srg/aerodrome).

Reason:

To avoid endangering the safe operation of aircraft and in the interests of protect residential amenity.

17. APPROVAL CONDITION - Archaeological works (Residential Pre-commencement condition)

No development shall take place within the residential area site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the archaeological investigation is properly investigated and complete.

18. APPROVAL CONDITION - Retail floorspace restrictions

The net sales floorspace shall be limited to a maximum of 4 645sq m to be comprised of maximum floorspace restrictions of 3 539sq m for convenience goods and 1 106sq m for comparison goods. The sale of comparison goods shall be restricted to the sale of the following goods only; clothes, homeware, electricals, toys and seasonal items (e.g. Christmas and Halloween). The floorspace for sales of clothing should not take up more than on third of the comparison goods floorspace.

Reason:

To ensure compliance with local and national retail policies and to protect the health and vitality of the existing district centre.

19. APPROVAL CONDITION - No subdivision of the retail unit

The retail building provided as part of the development shall not be subdivided into two or more retail units and shall not include a post office, dry cleaners, pharmacy, photo-shop or key cutting unless otherwise agreed in writing by 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.

20. APPROVAL CONDITION - Operating Hours

Unless otherwise agreed in writing by the Local Planning Authority, the retail building and associated travelators shall not be open for business outside of the hours of 0700 to 2300 Monday to Saturday and 0900 to 1700 on Sundays and there shall be access to the car park for customers earlier than 30 minutes prior to the store opening and 60 minutes after the store closing time.

Reason:

To protect the amenity of nearby residents.

21. APPROVAL CONDITION - Extract Ventilation System [Pre-Commencement Condition]

The approved scheme for the provision of an adequate extract ventilation system for the retail store, shall be maintained in full working order in such a manner as to effectively suppress the emission of fumes and smells; and shall include such equipment (including grease filters and odour neutralising plant) as may be specified to meet this requirement.

Reason:

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

22. APPROVAL CONDITION - Play area

The children's play area shall be maintained, equipped and made available for use by the public at all times.

Reason

To ensure adequate provision of open space.

23. APPROVAL CONDITION - Gate [Pre-Occupation Condition]

Access to the retail building delivery or service area shall be controlled by the approved gate, which shall be maintained at all times hereafter.

Reason:

In the interests of highway safety and to achieve a satisfactory form of development.

24. APPROVAL CONDITION - Means of Enclosure [Residential Pre-Commencement Condition]

No development shall be commenced on the residential phase of development until details of all means of enclosure on the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use. The means of enclosure shall subsequently be retained to the satisfaction of the Local Planning Authority.

Reason:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

25. APPROVAL CONDITION - Refuse storage details [Residential Pre-Commencement Condition]

Before the development commences on the residential units, details of satisfactory facilities to be provided for the storage and removal of refuse from the residential units shall be submitted to and agreed in writing by the Local Planning Authority. They shall be provided before any residential unit is first occupied and retained thereafter. The submitted details of the facilities shall include accommodation for the separation of waste to enable recycling.

Reason:

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

26. APPROVAL CONDITION - Refuse facilities for retail store [Performance Condition]

The refuse storage facilities for the retail building shall incorporate suitable drainage gulleys around any compactors to enable cleaning and washing down of the facility.

Reason:

In the interests of health and safety.

27. APPROVAL CONDITION - Rubbish bins - Retail store [Performance Condition]

Self-closing rubbish bins must be provided for the disposal of putrescible waste and must be emptied on a regular basis to prevent the build up of exposed putrescible waste across the development.

Reason:

To avoid endangering the safe operation of aircraft through the attraction of birds.

28. APPROVAL CONDITION - Public recycling facilities [Pre-Commencement Condition]

Provision shall continue to be made on the retail area of the site for public recycling facilities in accordance with the approved details.

Reason:

To encourage sustainable initiatives.

29. APPROVAL CONDITION - Car Park [Pre-occupation Condition]

The car park shall be used as a public car park for short-stay purposes for a maximum period of 2 hours or such other period as may be agreed in writing by the Local Planning Authority and operated in accordance with scheme of management, which includes the following:

- (a) The hours during which the car park is to be available for use
- (b) The method and means of controlling access to the car park

Reason:

In the interests of highway safety.

30. APPROVAL CONDITION - Management of Trolleys [Pre-Commencement Condition]

The approved scheme for the storage and management of supermarket trolleys shall continue to be operated for the life of the retail store. The approved scheme shall continue to include measures to ensure that trolleys are returned to appropriate collection points and storage positions and not otherwise left or abandoned. The effectiveness of the approved scheme shall continue to be reviewed in accordance with the programme to be included in the approved scheme and such changes to the scheme as are necessary and approved by the Local Planning Authority shall be introduced in accordance with an agreed timescale.

Reason:

To protect the character of the area and to avoid circulation problems, which might otherwise be caused by abandoned trolleys.

31. APPROVAL CONDITION - Availability of Parking [Pre-Occupation Condition]

The area shown on the submitted plans for parking, loading and unloading of vehicles that has been made available and surfaced and shall be subsequently retained and reserved for those purposes at all times the retail store is open for business.

Reason:

In the interests of highway safety.

32. APPROVAL CONDITION - Disabled Parking [Pre Commencement Condition]

The development shall incorporate parking spaces for a minimum of 20 disabled persons to serve the store and district centre. The spaces shall be marked for this purpose and thereafter retained.

Reason:

In the interests of highway safety.

33. APPROVAL CONDITION - Parent and Toddler Parking [Pre-Occupation Condition]

The parent and toddler parking illustrated on the submitted plans shall be marked for this purpose and thereafter retained.

Reason:

In the interests of highway safety.

34. APPROVAL CONDITION - Motorcycle Parking [Pre-Occupation Condition]

The retail building shall incorporate parking for a minimum of 17 motorcycles which shall be retained at all times the retail store remains open for business.

Reason:

In interests of highway safety.

35. APPROVAL CONDITION - Bicycle Storage [Pre-Occupation Condition]

The retail building shall incorporate secure, covered and enclosed space laid out for a minimum of 30 cycles to be stored for the benefit of staff employed at the retail building in accordance with the approved plans, which shall thereafter be retained on site for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

36. APPROVAL CONDITION - Visitor Bicycle Storage [Pre-Occupation Condition]

A minimum of 68 cycle stands shall continue to be made available for customers in accordance with the approved plans. The approved cycle stand arrangement shall thereafter be retained on site for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

37. APPROVAL CONDITION - Bicycle provision for Community (D1) Use [Pre-Occupation Condition]

No part of the community (D1 Use) element of the development shall be occupied until a secure, covered and enclosed space has been laid out within the site for a minimum of 20 cycles to be stored for the benefit of the staff and visitors in

accordance with plans to be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage arrangement shall thereafter be retained on site for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

38. APPROVAL CONDITION - Staff Parking Provision

Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 12 parking spaces shall be made available for parking by staff employed at the retail building.

Reason:

In the interests of highway safety.

39. APPROVAL CONDITION - Use of ATM - Performance Condition

Unless otherwise agreed in writing by the Local Planning Authority, automatic teller machines, wherever located, shall only be available during store opening hours.

Reason:

To ensure that the use of such machines does not result in any harm to residential amenities or threat to highway safety.

40. APPROVAL CONDITION - Retail Store Delivery Times - Performance Condition

Unless otherwise agreed in writing by the Local Planning Authority other than for a maximum of 3 deliveries to be received or dispatched from the retail building between the hours of 2300 - 0700 Monday to Saturday and no more than 2 deliveries to be received or dispatched between 1800 - Midnight on Sundays no deliveries shall be received or items despatched from the retail building outside the hours of 0700 to 2300 Mondays to Saturdays and 0800 to 1800 Sundays and Public Holidays.

Reason:

To protect the amenity of neighbouring residential dwellings.

41. APPROVAL CONDITION - Drainage

No sewage or trade effluent (including vehicle wash or vehicle steam cleaning effluent), except site drainage shall be discharged to any surface water drainage system.

Reason:

To prevent land contamination.

42. APPROVAL CONDITION - Soakaway - Performance Condition

No soakaway shall be constructed in contaminated ground.

Reason:

To prevent land contamination.

43. APPROVAL CONDITION - Residential: Details of water disposal [Pre-Commencement Condition]

No development shall commence on the residential phase of development until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior any occupation of the development.

Reason:

To prevent the increase of flooding and to improve water quality.

44. APPROVAL CONDITION - Retail Drainage - Performance Condition

Drainage from loading bays shall not be discharged to any watercourse, surface water sewer or soakaway.

Reason:

To prevent ground contamination.

45. APPROVAL CONDITION - Retail and Residential Drainage - Performance Condition

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding shall be passed through an oil separator designed and constructed to have a capacity and operation compatible with the site being drained. Roof water shall not pass through the separator.

Reason.

To avoid ground pollution.

46. APPROVAL CONDITION: Submission of a Bird Hazard Management Plan

The retail store shall operate for business in accordance with the approved Bird Hazard Management Plan which includes details of:

Management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and 'loafing' birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'.

The Bird Hazard Management plan shall continue to be implemented as approved, and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

47. APPROVAL CONDITION: Residential site area - No further development if contamination found - Performance Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the

Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the minor aquifer beneath the site and the surface waters surrounding the site. There may be areas of the site which cannot be fully characterised by a site investigation and unexpected contamination may be identified.

48. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

- Class A (enlargement of a dwelling house), including a garage or extensions,
- Class B (roof alteration),
- Class D (porch),
- Class E (curtilage structures), including a garage, shed, greenhouse, etc.,
- Class F (hard surface area).

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

49. APPROVAL CONDITION - Community facility - Scope and Limitation within same Class (D1) - Performance Condition

Permission is hereby granted for the use of the second floor area and ground floor access to it for Community related uses falling within Use Class [D1 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) and shall not be used for any other use within that Use Class.

Reason:

To ensure the re-development of the site includes a mix of uses which benefits the local community.

50. 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 by 1 September 2012. 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).

51. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least [the percentage required by core strategy policy CS20] in category Ene1, 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 assessment and certificate as issued by a legitimate Code For Sustainable Homes 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).

52. APPROVAL CONDITION - Residential Renewable Energy - Micro-Renewables (Pre-Commencement Condition)

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable 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).

53. APPROVAL CONDITION - Loafing Birds on Retail Store [Performance Condition]

Any flat/shallow pitched roofs including the store, community element and shall be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier shall not allow gulls to nest, roost or loaf on the building or the decked car park. Checks shall be made weekly during the breeding season. Outside of the breeding season gull activity shall be monitored and the roof and decked car park shall be checked regularly to ensure that gulls do not use them. Any gulls found nesting, roosting or loafing shall be dispersed by the owner/occupier when detected or when requested by BAA Airfield Operations staff. The owner/occupier shall remove any nests or eggs found on the roof or decked car park.

Reason:

To avoid endangering the safe operation of aircraft through the attraction of birds.

54. 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.

55. APPROVAL CONDITION - Operating Hours for D1 Use - Performance Condition

Unless otherwise agreed in writing by the Local Planning Authority, the D1 Use shall not be open for business outside of the hours of 0800 to 2100 Monday to Saturday and 0900 to 1700 on Sundays.

Reason:

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

56. APPROVAL CONDITION - Allocated Parking for D1 Use - Pre-occupation condition

Immediately prior to first occupation of the D1 Use a minimum of 10 parking spaces shall be identified on a plan to be agreed in writing by the Local Planning Authority for sole use of the D1 facility. The spaces shall be marked out and retained for the D1 use customers and staff only whilst the D1 use operates from the site between the hours of 0900 and 17.30 Monday to Friday.(As amended by letter dated 01.03.2012.

Reason:

To ensure appropriate numbers of spaces are made available in a safe and convenient location to serve the D1 floorspace hereby approved.

57. APPROVAL CONDITION - Refuse Management for D1 Use - Pre-occupation condition

Prior to first occupation of the D1 Community Use a refuse management plan clearly indicating the facilities to be provided for the storage and collection of refuse including recycling of waste shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall then be implemented and maintained whilst the D1 Use remains operational.

Reason:

To ensure appropriate facilities are provided to serve the use in the interests of amenity.

58. APPROVAL CONDITION - Tree Protection Zone for new tree belt - Residential Pre-commencement condition.

Prior to development commencing on the residential area of the site full details of the tree protection zone, including details of the design and alignment of the protective fencing to be provided during and after construction, shall be submitted to and agreed in writing with the Local Planning Authority. No storage of any materials or equipment shall take place within the tree protection zone. The approved details shall be implemented prior to any works commencing on the residential site.

Reason.

To protect the new tree belt during the construction of the residential phase of development.

59. APPROVAL CONDITION - Lorry Routing for construction traffic - Performance Condition

All traffic related to the construction of the remaining residential phase of development shall enter and leave the site via Thomas Lewis Way and at no time from Portswood Road or Highfield Lane in accordance with the lorry routing plan which forms part of the s106 agreement.

Reason:

In the interests of highway safety and the amenity of nearby residential areas.

60. APPROVAL CONDITION - Provision of access and parking for residential scheme - Residential pre-occupation condition.

Prior to first occupation of any of the residential units hereby approved a minimum of 49 car parking spaces, including garages, to serve the units shall be provided in accordance with the approved plans with proper access. The parking spaces and garages shall thereafter be retained and maintained in a manner to enable the parking of private cars associated with the residential units only.

Reason:

To ensure the car parking to be provided to serve the development is retained and maintained for that purpose in the interests of highway safety and the character and amenity of the area.

61. APPROVAL CONDITION - Lighting levels within store out of trading hours - Performance Condition

The luminance levels of internal lighting required to serve the store outside the approved operating hours shall not exceed those approved.

Reason:

In the interests of the amenities of residents of nearby residential dwellings.

62. APPROVAL CONDITION - security fencing.- Pre-occupation condition

The security fencing erected as approved within or along the perimeter of the retail store site shall be retained at all times the retail store remains open for business. submitted to and agreed in writing with the Local Planning Authority.

Reason:

In the interests of the visual amenity of the area.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
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
SDP8	Urban Form and Public Space
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
SDP18	Hazardous Substances
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP22	Contaminated Land
HE6	Archaeological Remains
CLT1	Location of Development
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT15	Night Time Uses in Town, District and Local Centres
REI5	District Centres
REI7	Food and Drink Uses (Classes A3, A4 and A5)
REI8	Shopfronts
TI2	Vehicular Access

Supplementary Planning Guidance

Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

The National Planning Policy Framework (27 March 2012)

This document replaced all the following documents which had been taken into account in considering the original application for the store and the consideration of this application up to the point of report writing.

PPS1 Delivering Sustainable Development (February 2005)
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)
Planning Policy Statement: Eco-towns - Supplement to Planning Policy Statement 1 (July 2009)
PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)
PPS6 Planning for Town Centres (March 2005)
PPG13 Transport (April 2001)
PPS22 Renewable Energy (August 2004)
PPS23 Planning and Pollution Control (November 2004)
PPG24 Planning and Noise (October 1994)
PPS 25 Development and Flood Risk (December 2006)

Relevant Planning History

Planning permission was originally granted on the site for a 6 578 sq m (gross floorspace) retail store, health centre, 140 residential units and new children's play area on 11 December 2008 following consideration by the Planning Panel on 22nd July 2008. The subsequent confirmation from the Secretary of State had confirmed that the application was not to be 'called in' but could instead be determined at local level (08/00386/OUT).

A revised scheme (09/00513/OUT) was submitted on 16 May 2009. It included amendments to the design and size of the retail unit, increasing its height along the Portswood Road frontage and increasing the gross floorspace from 6 578sq m to 7 492sq m (although the net sales area remained unchanged at 3 716sq m. The revisions also included:-

- a re-designed vehicular access from Portswood Road including a mini-roundabout and two lanes for exiting the site,
- a cafe at mezzanine level above the store, and
- a re-orientation of the store entrance to face southward thus addressing the Portswood District Centre.

All other matters, including the provision of the health centre, the children's play area, the pedestrian link between Belmont Road and Portswood Road and 140 residential units (22 houses and 118 flats) remained unchanged.

The scheme was considered and approved by the Planning and Rights of Way Panel on 29 September 2009 and following the decision of the Secretary of State to again leave the decision making to the Local Authority.

Soon after the granting of planning permission for 09/00513/OUT it was identified by the Primary Care Trust that funding for the health centre would not be forthcoming and that the independent structure would not be constructed. The lack of delivery of the building and the loss of the community use element of the proposals was considered to be detrimental to the overall development of the site in terms of delivering a mixed use development across the whole site but also in urban design terms. The health centre building provided an important element of the active frontage along Portswood Road and also formed part of the 'pedestrian street' which integrated the housing area with the commercial development.

The currently approved application (10/01399/Out) was submitted to address this problem. It introduced significant changes to the earlier approved scheme which can be summarised as follows:

(i) The store was extended into the ground floor area that would have originally formed the health centre building increasing the gross floor area from 7 492sq m to 9 730sq m and the net sales area from 3 716sq m to 4 645sq m.

(ii) A new community facility of 1 660 sq m is provided at upper floor level above the northern end of the store with street level entrance lobby accessed directly off Portswood Road and comprising lift and stair access.

(iii) The vehicular access serving the store was moved northward in Portswood Road.

(iv) The children's play area (LEAP) has been relocated closer to the entrance of the store in St Deny's Road and is now open for use.

(v) Additional tree planting has been provided (and now planted) in the form of a tree and landscaped belt between the retail and residential areas at the rear of the covered service area and also along the northern edge of the store access road.

(vi) The external appearance of the store has been revised to provide greater activity along the Portswood Road and St Deny's Road frontages, including a full height glazing element at the junction of St Deny's Road. The height of the store on back edge of pavement has been slightly reduced.

(x) The amount of car-parking to serve the store has increased from 325 to 344 spaces.

Application 11/01877/FUL

APPENDIX 3

Panel Report for 10/01399/Out: To be read and considered as part of this application

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 18 January 2011
Planning Application Report of the Planning and Development Manager

Application address: City Bus Co Ltd 224 Portswood Road SO17 2AD			
Proposed development: Redevelopment of the site to provide a new supermarket (Class A1 retail 9,730 square metres gross floorspace with associated 344 space car park, new community use (Class D1 1,166 square metres gross floorspace) and public play area (no matters reserved for later approval) and 59 residential units (29 houses and 30 flats) with 49 associated car parking spaces (details of appearance reserved for later approval)			
Application number	10/01399/OUT	Application type	OUT
Case officer	Andy Amery	Public speaking time	15 minutes
Last date for determination:	23 January 2011	Ward	Portswood
Reason for Panel Referral	Major Development	Ward Councillors	Cllr Vinson Cllr Sollitt Cllr Capozzoli

Applicant: Sainsbury's Supermarkets Ltd	Agent: Wyg Planning And Design
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report and referral to the Secretary of State
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Appendix attached			
1	Development Plan Policies		

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 including traffic generation and highway safety, the size of the store, the impact on the local centre, the impact on the surrounding area including nearby conservations areas, the level of car-parking, the loss of trees the provision of open space and play space, protected species, the proposed mix of uses, the impact of the development on the character of the area and the nearby residential occupiers as well as the call - in inquiry (for application 05/01407/FUL) and the more recent approvals (08/00336/OUT and 09/00513/OUT) 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.

City of Southampton Local Plan Review (March 2006) 'saved' policies:-

SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, SDP17, SDP19, SDP21, SDP22, HE6, CLT5, CLT6, H1, H2, H3, H7, REI7, REI8 and TI2.

City of Southampton Core Strategy (January 2010) policies:-

CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23, CS24 and CS25.

Recommendation in Full

Delegate the Development Control Manager to grant conditional planning approval subject to:-

1. The Secretary of State for the Environment not requiring the decision to be referred to him under the terms of the Town and Country Planning Shopping Direction.
2. The applicant entering into a Section 106 Legal Agreement to secure:
 - ii. Either
 - a financial contribution towards site specific transport contributions for highway and pedestrian facility improvements in the vicinity of the site

or

provision to implement an agreed series of works under S.278 of the Highways Act in line with policies SDP4 of the City of Southampton Local Plan Review (March 2006), CS18 and CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

- iii. The provision of an on-site equipped children's play area prior to first occupation of the retail unit;
- iv. The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy.
- v. The submission, approval and implementation of a Green Travel Plan (GTP) to address the impact of the parking provision so that it can be assessed along with the transport needs of the development;
- vi. A commitment to local labour and employment initiatives both during the construction phase and post completion;
- vii. The submission of a highway condition survey.
- viii. The funding of any Traffic Regulation Orders required for the above measures and to enable the development to be implemented.
- ix. The provision of an unencumbered access for cyclists and pedestrians linking Belmont Road and Portswood Road prior to first occupation of the retail unit.
- x. Improvements to the public realm in the vicinity of the site
- xi. The provision of affordable housing in accordance with policy CS15 of the City of Southampton Core Strategy (January 2010).
- xii. Contributions towards the provision of or improvements to public open space.
- xiii. Management of the car-park to ensure its' availability to serve the Portswood District Centre
- xiv. Lorry routing for construction and servicing vehicles
- xv. Arrangements to limit noise generated by refrigerated delivery vehicles
- xvi. CCTV provision.
- xvi. The provision and level of fit-out including timescales for delivery of the community use building

And that the DC Manager be authorised to refuse permission if the Section 106 Agreement has not been completed within a reasonable time period of the resolution to grant permission on the grounds of failure to secure the provisions of the Section 106 Agreement.

1.0 Background

1.1 Planning permission was originally granted on the site for a 6 578 sq m (gross floorspace) retail store, health centre, 140 residential units and new children's play area on 11 December 2008 following consideration by the Planning Panel on 22nd July 2008. The subsequent confirmation from the Secretary of State had confirmed that the application was not to be 'called in' but could instead be determined at local level (08/00386/OUT).

1.2 A revised scheme (09/00513/OUT) was submitted on 16 May 2009. It included amendments to the design and size of the retail unit, increasing its height along the Portswood Road frontage and increasing the gross floorspace from 6 578sq m to 7 492sq m (although the net sales area remained unchanged at 3 716sq m. The revisions also included:-

- a re-designed vehicular access from Portswood Road including a mini-roundabout and two lanes for exiting the site,
- a cafe at mezzanine level above the store, and
- a re-orientation of the store entrance to face southward thus addressing the Portswood District Centre.

1.3 All other matters, including the provision of the health centre, the children's play area, the pedestrian link between Belmont Road and Portswood Road and 140 residential units (22 houses and 118 flats) remained unchanged.

1.4 The scheme was considered and approved by the Planning and Rights of Way Panel on 29 September 2009 and following the decision of the Secretary of State to again leave the decision making to the Local Authority.

1.5 Soon after the granting of planning permission for 09/00513/OUT it was identified by the Primary Care Trust that funding for the health centre would not be forthcoming and that the independent structure would not be constructed. The lack of delivery of the building and the loss of the community use element of the proposals was considered to be detrimental to the overall development of the site in terms of delivering a mixed use development across the whole site but also in urban design terms. The health centre building provided an important element of the active frontage along Portswood Road and also formed part of the 'pedestrian street' which integrated the housing area with the commercial development.

1.6 The current application has therefore been submitted to address this problem. The significant changes to the earlier approved scheme can be summarised as follows:

(i) The store has been extended into the ground floor area that would have originally formed the health centre building increasing the gross floor area from 7 492sq m to 9 730sq m and the net sales area from 3 716sq m to 4 645sq m.

(ii) A new community facility of 1 660 sq m is provided at upper floor level above the northern end of the store with street level entrance lobby accessed directly off Portswood Road and comprising lift and stair access.

(iii) The vehicular access serving the store has been moved northward in Portswood Road.

(iv) The pedestrian street linking Belmont Road and Portswood Road has been re-provided but is now wholly within the residential scheme.

(v) The children's play area (LEAP) has been relocated closer to the entrance of the store in St Deny's Road.

(vi) An additional area of open space/informal play has been included within the residential layout.

(vii) Additional tree planting has been provided in the form of a treed and landscaped belt between the retail and residential areas at the rear of the covered service area and also along the northern edge of the store access road.

(viii) The area of the residential development remains similar to that previously approved but the number of residential units has been reduced from 140 to 59 as a result of a significant reduction in the number of flatted units and an increase in the provision of family housing.

(ix) The external appearance of the store has been revised to provide greater activity along the Portswood Road and St Deny's Road frontages, including a full height glazing element at the junction of St Deny's Road. The height of the store on back edge of pavement has been slightly reduced.

(x) The amount of car-parking to serve the store has increased from 325 to 344 spaces.

2.0 The site and its context

2.1 The 2.5ha site was until recently occupied by First Bus and is still known as Portswood Bus Depot. The site is currently being cleared of the bus depot buildings and associated hardstandings in accordance with the conditions imposed on planning permission 09/00513/OUT . It is currently surrounded by 2m high security fencing. The applicant can build out retail store and play area under the 09/00513/OUT consent without the requirement to construct the health centre building.

2.2 Located immediately to the north of the Portswood District Centre it is bounded by Portswood Road to the west, St Deny's Road to the south and Belmont Road to the east. The Belmont Road frontage comprises an almost continuous tree belt which was planted to screen the utilitarian bus depot buildings. It is a 'one-sided' street with wholly residential development, mainly comprising family houses on its eastern side. St Deny's Road to its junction with Belmont Road benefits from a mix of commercial and residential properties and also includes the local Police station which is located opposite the children's play area. The section of Portswood Road opposite the site and north of the traffic light junction comprises a short section of commercial units but is predominantly a mix of residential houses and flats.

2.3 The site has significant level changes sloping down to the north and east from a high point at the junction of Portswood Road and St Deny's Road at the point where the store entrance is located. The changes in levels help facilitate the provision of underground parking serving the store but means that the internal floor level of the store will gradually become raised above street level Portswood Road as you move north along the elevation (as was the case with previously permitted schemes) but also that the store will be at a higher level than the proposed residential development to the north and east. The level changes are utilised in a creative way to form the children's play area, using gradients to inform the siting of play equipment.

2.4 The site benefits from mature tree planting, although much of this is in poor condition due to lack of maintenance over a number of years. The tree belt on raised land at the northern point of the site where Portswood Road and Belmont Road join will remain as will the tree belt in the central section of Belmont Road which will form an area of open space/informal play within the residential scheme. Additionally the tree belt along the southern section of Belmont Road will also be retained.

3.0 Proposal

3.1 The application has been submitted in 'Outline' form but as previously the proposals comprise a 'hybrid' of two distinct phases.

3.2 Phase 1 is represented by the retail store and access to it, the community facility, the children's play area (LEAP) and the tree belt sited between the commercial and residential elements of the scheme. For this element of the scheme all matters are requested to be considered and as such it is effectively a 'full' application although some matters of landscape detail have been reserved by condition.

3.3 Phase 2 is represented by the 59 residential units which comprise 29 family houses and 30 flats (previous scheme comprised 22 houses and 118 flats). Matters of appearance and landscaping are to be reserved but siting, access and scale are all to be considered.

3.4 The retail store has increased in size from a net sales area of 3 716sq m to 4 645sq m, a 25% increase on the scheme currently permitted. Parking

provision has increased from the currently approved 325 to 344 spaces. The vehicular access to the store has been relocated further north along Portswood Road than the currently approved location but remains designed as a mini-roundabout. Vehicular access into the store is by a single lane but there is a two lane exit to avoid backing-up when leaving the site. The external appearance of the store has been revised to ensure greater activity along both the Portswood and St Deny's Road frontages.

3.5 The increase in the size of the store is due to the loss of the stand-alone health facility which was intended to be operated by the Primary Care Trust. As a consequence a community facility of 1160 sq m is to be located at upper floor level but benefiting from street level access from Portswood Road and with secure lift and stair access from a ground floor lobby. The use will be restricted to uses falling within D1 of the Use Classes Order which includes libraries and early years facilities.

3.6 The children's play area (LEAP) has been relocated, in consultation and agreement with the Council's play space team, closer to the entrance of the store where it is considered to be better related to the district centre and is also over-looked by the re-designed cafe on the upper floor of the south elevation of the store. It remains opposite the Portswood Police Station.

3.7 As part of the store development, the applicant will provide a new tree belt which wraps around the eastern and northern perimeter of the sites in addition to additional tree and landscape planting already proposed along the St Deny's and Portswood Road frontages.

3.8 The Phase 2 residential development remains similar in terms of site area, but now proposes a much reduced scale and density of development with the number of units being reduced from 140 to 59 with the proportion of family houses to flats at almost 50% compared to 14% as previously approved. The units are predominantly 3 storey rather than 4 storey as currently approved.

3.9 Three storey family town-houses are provided along the Belmont Road frontage to respect and maintain the family house character of the road. The pedestrian street linking Belmont Road to Portswood Road is re-created wholly within the residential scheme with a terrace of two storey mews style houses on the southern side backing onto the tree planting belt which separates the site from the access road to the store. This route would be used by cars for the occupiers of houses within the scheme but would only be a through route for pedestrians.

3.10 Flats are largely restricted to the Portswood Road frontage and at four but mainly three storey height are similar in height and scale to a number of modern flatted blocks recently constructed along the section of Portswood Road between Portswood and Swaythling. Three storey flats are also proposed at the northern tip of the site where land levels, tree planting and the shape of the site constrain the ability to achieve houses.

3.11 The residential layout falls into two distinct sections as previously. However, unlike the previous scheme, which incorporated a vehicle access and servicing area for the health centre from Belmont Road between the two residential areas, this scheme knits the residential areas together utilising existing tree planting and the opportunity to create an informal open space/play zone.

4.0 Relevant Planning Policy

4.1 The Development Plan for Southampton currently comprises the South East Plan Regional Spatial Strategy (May 2009), 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 (subject to the comment in 4.2 below) to these proposals are set out at **Appendix 1**.

4.2 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.

4.3 Major 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.

5.0 Relevant Planning History

5.1 There have been a number of applications seeking to re-develop the site for mix use comprising primarily a retail store and residential development. Two planning consents have been issued, the most recent of which the site is currently being prepared to build out but without the approved stand-alone health centre. The original applications seeking to re-develop the site date back to 2005.

5.2 05/01407/FUL. Initially the applicant applied for a full permission for the redevelopment of the site to provide a supermarket of 6907 sq.m gross floor space (Class A1 retail) provision of 14 residential units, vehicular access from Portswood Road and St Denys Road with 398 car parking spaces following the demolition of existing buildings. This application covered only that area of the site currently subject of the store and community facility.

5.3 05/01409/OUT. At the same time the applicant submitted an Outline application (05/01409/OUT) covering the whole site for the redevelopment of the site to provide a supermarket of 6907 sq.m gross floor space (Class A1 retail), provision of 73 residential units, vehicular access from Portswood

Road, St Denys Road and Belmont Road with a total of 441 car parking spaces and a primary care health facility following demolition of existing buildings. (Outline application for the whole site seeking approval for siting of buildings and means of access)

5.4 Both applications were recommended for approval and supported by the (then) Planning Committee. However, the final decision was referred to the Secretary of State who decided the applications should be the subject of a call-in Inquiry. The Inspector's report to the Secretary of State dated 10 August 2007 considered all aspects of the development including retail need, traffic generation, car-parking, design and layout, trees and living environment for future occupiers on the site. The report formed the basis upon which the Secretary of State issued her decision on 13 November 2007. The conclusions of the Secretary of State were supportive, with regard to qualitative and quantitative need, the scale of the store, the impact of a store on the district centre and transport issues including car-parking. The Secretary of State was also supportive of the mixed use re-development of the whole site, and the affordable housing need. The Secretary of State raised concerns about the loss of trees on the site and identified an opportunity for more to be retained and additional planting undertaken. However, the tree issues did not translate into the reasons for dismissing the applications.

5.5 The two issues stated by the Secretary of State for refusing the applications were design related. These were specifically, 'the configuration of both the key worker housing and the car park' which were deemed to be unacceptable '*because of the effect on living conditions and the character of the area*'.

5.6 08/00386/OUT - Redevelopment of the site to provide a new supermarket (Class A1 retail - 6,578 square metres gross floorspace) with associated 325 space car park, medical centre (Class D1), with associated 40 space car park and public play area (no matters reserved for later approval) and 140 residential units (22 houses, 118 flats) with 119 associated car parking spaces following demolition of the existing buildings (details of appearance reserved for later approval).

5.7 The application was similar in form to the current application in that it was a 'hybrid' application in 'outline' form seeking all matters to be agreed for the store and medical centre but reserving matters of detail to be agreed at a later date for the residential development. It was this scheme that introduced the underground car-parking and the pedestrian link through between Belmont and Portswood Roads. The application was approved 11.12.2008.

5.8 09/00513/OUT - Redevelopment of the site to provide a new supermarket (class A1 retail - 7,492sqm gross floorspace) with associated 325 space car park, medical centre (class D1) with associated 40 space car park and 140 residential units with 119 parking provision following demolition of the existing buildings. This is the currently approved scheme for which

clearance works have begun on-site. The planning application was submitted following a review by the applicant of the 08/00386/OUT scheme.

5.9 The applicant made a number of changes to the proposals which included, a redesign of the elevational treatment to the scheme along the Portswood and St Denys' Road frontages including:-

- an increase in height of the building where it fronts onto Portswood Road,
- an increase in the gross floor area of the building from 6,578sq m to 7,492sqm,
- the re-orientation of the main pedestrian entrance of the store at the junction of Portswood Road and St Denys Road so that it addressed and faced towards the existing district centre,
- the widening of the store vehicular access to allow two lane exit and single lane entrance from Portswood Road,
- a re-organisation of the layout of the service yard area accessed from St Denys Road,
- a re-organisation of the internal floor layout including siting of the cafe at mezzanine level, and
- the addition of sustainability measures which include a bio-mass boiler.

6.0 Consultation Responses and Notification Representations

6.1 Representations

6.1.1 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 and erecting a site notices. The amended plans received on 21 December 2010 were also the subject of a re-consultation with local residents. At the time of writing the report **40** representations have been received from surrounding residents. However, given the 14 day re-consultation period took place over the Christmas and New Year period the official closing date for representations of 3 January 2011 was agreed to be kept open until 14 January to enable sufficient time for local residents to view the plans and make comments. Therefore any additional representations received after 3 January will be verbally updated to the Panel. Of the representations received 39 were objections and 1 was of support.

6.1.2 Summary of Representations made: The objections to the scheme were largely founded on similar issues to those previously raised on earlier applications:-

- Significant concern has been raised by all objectors to the 25% increase in the size of the store and the retail impact it would have on existing district and local centres (especially taking into account the recession);

- The clear and over-riding concern of local residents however is the fear of the potential problems caused by traffic generation including potential gridlock in the area around the site;
- Potential for significant increases in traffic rat-running through nearby residential areas, due to the lack of a right hand turn into Highfield Lane at the junction with Portswood Road for traffic turning left out of the store but heading towards the west or northwest of the City;
- The majority of objectors consider that an increase of 19 parking spaces is wholly an inadequate amount of additional parking to serve the bigger store;
- The size of the building being massively out of scale and proportion with the area;
- The loss of the health facility;
- Increased noise and disturbance: and,
- Loss of trees.

6.1.3 A number of objectors were concerned about the combined impact of traffic from this scheme and the proposed petrol filling station submitted by the same applicant for the nearby car-sales site in St Deny's Road. However, that scheme has been refused under officer's delegated powers.

6.1.4 The letter of support welcomed the opportunity to create jobs in the area, the creation of better shopping opportunities for the area and the provision of the children's play space.

6.2 Consultation responses

6.2.1 **SCC Highways** - The increase in the store footprint will not result in a similarly linked increase in vehicular journeys to the site. The level of car parking which is increased from 325 to 344 spaces is satisfactory. The service yard is well laid out and is acceptable.

6.2.2 The movement of the access roundabout to the store car park further away from the St Deny's Road junction is better in highway terms than the previously approved scheme and should make traffic flows slightly better.

6.2.3 It is recommended that the staff parking bays along the access road be clearly marked and managed to prevent use by customers, which would cause problems at peak flow periods. Additionally, it is recommended that one of the staff parking bays, immediately adjacent to the stair core, needs to be removed.

6.2.4 With regard to the residential layout there are some concerns about the refuse collection from Portswood Road which need to be addressed to avoid obstruction of the carriageway and four of the parking spaces served off the street linking Belmont Road and Portswood Road must demonstrate that forward visibility of pedestrians can be achieved.

6.3.0 **SCC Policy** - The site is located to the north of Portswood District centre immediately adjacent to that centre. In terms of detailed layout it

creates a good relationship with the centre in that the store directly faces it. With the access point at the junction of Portswood Road and improved crossing facilities at the junction it will be easily accessible.

6.3.1 Retail impact - introduction: The immediate catchment area has a population of nearly 60 000 which is the equivalent of a medium sized town. At present, only one supermarket (Waitrose) and one medium sized supermarket (Co-op) serve this population resulting in the existing Waitrose Store trading significantly above the company average. There are also significant levels of 'out-flows' of expenditure from the catchment area to the large out town superstores, in particular Chandlers Ford and Hedge End.

6.3.2 It is recognised that since the original consents economic circumstances have changed as the country entered recession. It is noted that the health of the Portswood Centre has remained reasonably good during this period with low vacancy rates. The economic recovery has begun but it is accepted that there are still doubts about the strength of the recovery.

6.3.3 The proposed store seeks a net sales area of 4 645 sq m, a 25% increase on that currently approved. The applicant has submitted a revised retail impact which takes into account a number of assumptions are reasonable as one potential scenario.

6.3.4 However, forecasting future impact is not a precise science and so it is important to test other potential scenarios as a way of assessing the robustness of the applicant's case. In assessing retail impact therefore a number of variations have been made to the applicants submitted data. This includes an increased catchment area population as local data indicates a higher figure than used by the applicant, reduced levels of expenditure taking into account the recession, a 10% greater trade draw from existing Portswood stores than predicted by the applicants, a 10% greater turn-over by Sainsbury than predicted by the applicants. These variations have been done for both food and non-food items.

6.3.5 Impact on food sector: It is considered that there is scope for a major superstore in this location and of this larger size due to the combination of the large catchment population, the significant level of clawback trade from out of town sites and also the Waitrose store which is significantly over-trading. It is considered that a significant number of customers using the store will also utilise other services within the district centre and as a high percentage of these will be additional customers 'clawed-back' from out of town sites, this will reduce the impact on trading in the existing centre.

6.3.6 However, the exact impact on the smaller stores is more difficult to predict. Some stores provide a specialist, niche role and these are less likely to be affected. However, other food stores could close as a result of the direct competition and convenience of the larger store. On balance it is considered that the centre is likely to undergo a degree of change over time rather than decline, with new uses replacing some of the existing shops to attract the additional customers coming into the centre as a result of the store. It is

therefore considered that the likely retail impact in the food sector will not be harmful.

6.3.7 Impact on comparison goods sector: The comparison element of the superstore will draw from a range of locations including the city centre, out of centre locations and Portswood district centre. The proposed sale comparison goods include clothing, homeware, limited electrical goods, toys and seasonal goods and the floor area proposed for such items has increased by 406 sq m or 38% compared to the existing consent.

6.3.8 Again, the assessment of impact is not a precise science and an accurate level of trade taken from existing Portswood stores for comparison goods is difficult to estimate. However, the range of goods identified to be sold is normally associated with superstores.

6.3.9 Part of the rationale for the proposal is that it will attract more people into the centre to undertake particularly non-food shopping in the centre itself not just the new store, and this to some extent counteracts the impact.

6.3.10 However, given the increase size of the store and in particular the comparison goods element of it, coupled with the uncertainty of the strength of the recovery, additional conditions should be imposed to help protect the existing centre.

6.3.11 Suggested Policy led conditions: Similar conditions are recommended to those previously imposed, but conditions requiring clear signage on the car park are required to inform customers using the district centre not just the store can stay for up a two hour period to be able to undertake linked trips.

6.3.12 The net sales floorspace should be limited to 4 645sq m and maximum floorspace restrictions of 3 539sq m for convenience goods and 1 106 sq m for comparison goods should also be imposed.

6.3.13 The sub-division of the store into more than one unit and the provision of services such as a Post Office, dry cleaners, pharmacy, photoshop or key cutting should be prevented. The sale of Comparison goods should also be restricted to the sale of the following goods only; clothes, homeware, electricals, toys and seasonal items (e.g. Christmas and Halloween). Additionally, clothing should not take up more than one third of the comparison goods floorspace.

6.4 **SCC Housing** – Welcome the increased number and mix of family housing. No objection is raised to the reduced number of units being proposed.

6.5 **SCC Sustainability Team** - Supportive of the provision of the on-site bio-mass boiler system which will generate 24% of the total energy consumption of the store on site. Conditions are required to ensure the store and residential development achieve the appropriate levels of sustainability

which for the store is BREEAM Very Good and for the housing a minimum of Code Level 3 as required by policy CS20.

6.6 **SCC Architect's Panel** – Consider the design of the store and community facility to represent good modern design. Initially very concerned about the proposed residential layout but the revised plans reducing the numbers to 59 and re-introducing the link street and areas of open space within the scheme are to be welcomed and supported.

6.7 **SCC Environmental Health (Pollution & Safety)** – No objections subject to similar conditions being imposed.

6.8 **SCC Environmental Health (Food Safety)** – No comments.

6.9 **SCC Environmental Health (Contaminated Land)** - No objections but require similar conditions to those previously imposed.

6.10 **SCC Ecology** – Welcomes the additional tree belt planting compared to the original proposals.

6.11 **BAA** - No objections but require similar bird hazard management conditions to be imposed.

6.12 **Hampshire Constabulary** - Still awaiting comments to the revised layout. These will be verbally updated to Panel.

6.13 **Southern Water** – Raise no objections and identify that the discharge of foul water from the site to the existing sewerage system can take place subject to the applicant demonstrating no net increase compared to existing flows. Any SUDS system must be the subject of a condition detailing future management of such a system.

6.14 **Environment Agency** - Raise no objections but highlight that SUDS systems may not always be suitable in high risk areas such as loading bays and large areas of car parking. Details of the surface and foul water drainage systems to be installed are therefore requested to be conditioned.

6.15 **City Design** - The scheme has been amended following meetings and negotiations with the City Design Team following initial concerns relating to the layout of the residential element of the proposals and the lack of active frontage along Portswood Road shown on the store elevations . The re-introduction of a linked street is welcomed and the general layout of the residential element has been greatly improved. The overall numbers and scale of the residential element is more sympathetic to its surroundings than the approved scheme. The additional tree planting and provision of open space is welcomed. The additional glazing to both the Portswood Road and Belmont Road frontages adds to the active frontages which need to be created and maintained. The design of the store and community facility is acceptable.

6.16 **SCC Play Space Officer** - Welcomes the provision of the play area and supports its re-location closer to the entrance of the store and the district centre.

7.0 Planning Consideration Key Issues

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

7.2 Principle of Development

7.2.1 The principle of re-developing the site for a mix of uses primarily comprising a retail store and residential development has already been agreed and work is progressing on preparing the site in order to implement the 09/00513/OUT consent.

7.2.2 The main issue therefore is whether the increased size of the store is acceptable in planning terms, in particular in terms of retail and traffic impact.

7.2.3 Other issues include whether the reduced housing numbers and density is acceptable in terms of housing delivery and the impact on the character of the area, the re-siting of the children's play area and the loss of trees.

7.3 The increased size of the store and its retail impact on the district centre and other local centres

7.3.1 This has been carefully assessed as set out in the Policy comments of sections 6.3.0-6.3.13 of this report. It is acknowledged that there will be some on the existing district centre, potentially more so than previously due to the increased floorspace for comparison goods. The overall assessment is that the positive impacts from the clawback of trade from out of town stores will have an overall benefit to the local centre but conditions are recommended to restrict the way in which the store is able to trade and operate to minimise the negative impacts of the development.

7.3.2 A retail policy planner will be present at the Panel to facilitate the discussion on retail impact.

7.4 The increased size of the store and its impact due to additional traffic generation

7.4.1 The traffic assessment for the scheme suggests that the 25% increase in the floorspace provided for the store will not translate into a similar increase in traffic generation. The increase in parking spaces to serve the development of 19 from 325 to 344 spaces is considered acceptable.

7.4.2 The relocation of the access point further north in Portswood Road is welcomed from a highways perspective, as it increases the capacity of the

right-turn filter lane for vehicles heading from south of the site and is likely to help ease possible traffic flow congestion at peak times.

7.4.3 Some minor revisions are suggested to the layout of the parking area and refuse storage area for the residential scheme but otherwise no objections are raised on highways grounds.

7.4.4 A highways officer will be present at the Panel to facilitate the discussion on highways impact.

7.5 The increased size of the store and its impact on local character and amenity

7.5.1 The store and community facility cover a similar footprint to that approved by the combined store and separate health centre building. Therefore the scale and massing of the overall building form on the commercial side of the site is not significantly different to that already approved and is not considered to have a materially greater visual impact or result in loss of light/overshadowing compared to the approved scheme. One advantage of the extended store is that the access to the community building on the Portswood Road frontage is on the district centre side of the access road rather than being separated from it by the access road to the store car park as was the case with the health centre. The revised design of the store and community facility also includes greater amounts of active frontage to both Portswood and St Deny's Roads which is supported in urban design terms.

7.6 Housing Layout and Density

7.6.1 The area allocated for housing is similar to that approved on earlier schemes. Potentially the most material change to the proposals compared to previous approvals is the significant reduction in the total number of residential units proposed and the increased proportion of family housing. The total number of units has been reduced by over 50% from 140 to 59. The residential area of the site is approximately 1 hectare giving a residential density of 59 units per hectare which is within the lower range expected to be found within a medium accessibility area.

7.6.2 The layout and density is considered to respond more sympathetically to the surrounding residential development than did the approved, mainly flatted scheme and creates, along the Belmont Road frontage, two distinct sections of terraced family housing separated by a landscaped area of open space and informal play where on the approved scheme there was an access and service area for the health centre. The parking to serve the residential units is all at surface level removing the need to engineer underground parking served from Belmont Road. The overall scale and massing of the proposed residential layout has also been reduced with a mix of two, mainly three and a small amount of four storey development, whereas the approved scheme was a mix of three and four storey flatted blocks and town houses.

7.6.3 Visually the residential scheme is considered to be more responsive to the local area. The additional tree planting and areas of open space, private gardens and private communal space give a more spacious feel to the scheme and are considered to represent an improvement to the character and sense of place achieved. The provision of more, family housing units is supported and in accordance with the Councils adopted policies.

7.7 Children's play area

7.7.1 The re-siting of the children's play area is fully supported by the Council's play space team. It's location closer to the entrance of the store and the district centre means access to it is easier and prevents the need for crossing the service access road to get to it. Casual surveillance is achieved from the first floor cafe in the store and the adjacent footpath. The site is also located opposite the Portswood Police station. The creation of a second area of informal play within the landscaped open space zone as part of the residential proposals is particularly welcomed.

7.8 Loss of trees

7.8.1 The proposals do not result in any additional tree loss than the currently approved scheme does. However, the revised layout creates an additional tree belt to be planted between the store and the residential elements of the scheme significantly increasing the amount of tree planting on the site. Additionally there is an increase in the provision of soft landscaping areas across the site in the form of private and communal garden areas and landscaped areas of open space.

7.9 Sustainability

7.9.1 The store includes a bio-mass boiler facility within the covered service area of the site which will generate up to 24% of the energy needs of the store. Conditions have been imposed with regard to the need to achieve a minimum of Code Level 3 for the housing development.

8.0 Summary

8.1 The increased size of the store will have some additional impact on the trading levels of existing stores in both the district and nearby local centres but the benefits of clawback from out of centre locations is considered likely to outweigh this impact.

8.2 The impact on the local highway network is considered to be manageable without causing significant levels of additional congestion or harmfully changing the character of some of the local residential areas. The overall number of strategic journeys may be reduced as people use Portswood rather than driving out to existing sites on the periphery of or beyond the city boundary.

8.3 The scheme delivers the opportunity to provide new community facilities which are easily accessible from the district centre and by public transport . The provision of the children’s play facilities of which there is currently a shortfall serving the local community and the additional tree planting are supported.

8.4 The residential development delivers a greater amount of family housing than previously approved within a layout and at a density which is more compatible to the character of the local area than currently approved.

9.0 Conclusion

9.1 The application is recommended for delegated approval to the Development Control Manager, subject to the Secretary of State not wishing the application to be called-in for consideration and subject to the completion of a Section106 legal agreement as detailed above.

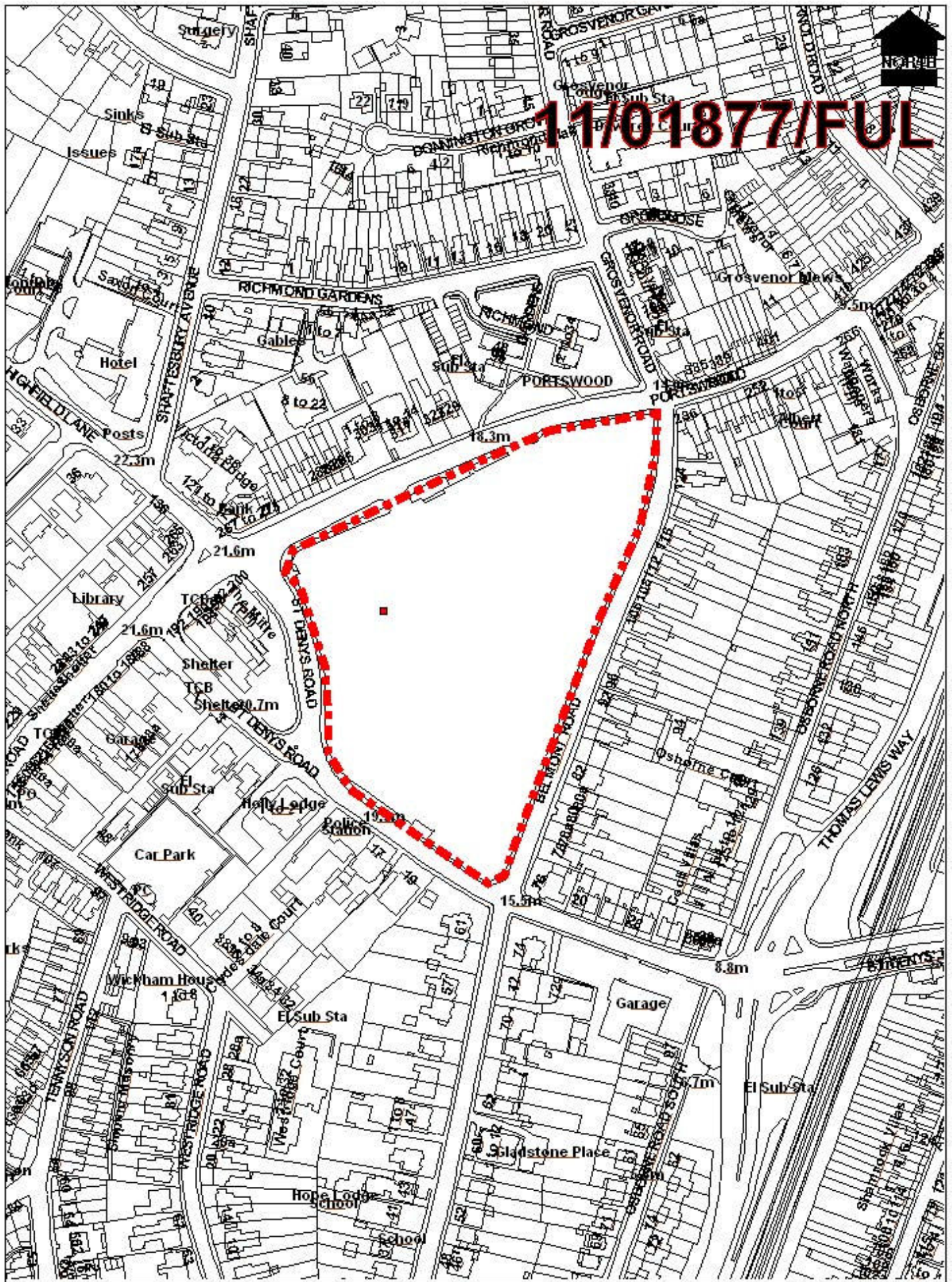
Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1a, 1b, 1c, 1d, 2b, 2d, South East Plan Regional Spatial Strategy (May 2009), 4f, 5a, 5e, 6a, 6c, 6f, 7a, 7b, 7e, 7f, 7g, 7j, 7l, 7n, 7p, 7t, 7u, 7v, 7w, 9a, 9b.

AA for 18/01/11 PROW Panel



11/01877/FUL



Scale : 1:2500

Date : 03 April 2012

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