

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 25th March 2014
Planning Application Report of the Planning and Development Manager

Application address: 512 Portsmouth Road, Southampton			
Proposed development: Installation of a temporary building for a period of two years for car sales use, with associated external sales display area, landscaping and staff and customer parking			
Application number	14/00255/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	5 minutes
Last date for determination:	7 th April 2014	Ward	Sholing
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Jeffrey Cllr Blatchford Cllr Kolker

Applicant: Picador Plc	Agent: Owen Davies Architects
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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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Community Infrastructure Levy Liable	No
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Reason for granting Permission

Notwithstanding that the application constitutes a departure from the Development Plan 'saved' Policy REI 10 (i) of the City of Southampton Local Plan March 2006 which allocates the site for B1 (c), B2 and B8 uses, the proposal is compliant with the wider objectives of the Development Plan, set out below. In addition, other material considerations including amenity, parking, economic benefits and the importance of encouraging employment within the city, outweigh compliance with this policy and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters as set out in the report to the Planning and Rights of Way Panel on 25th March 2014 and as previously determined under LPA ref: 13/01751/FUL. 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 be granted.

City of Southampton Core Strategy (January 2010) – CS3, CS6, CS7 and CS19.
 City of Southampton Local Plan Review (March 2006) - SDP1, SDP3, SDP4, SDP5, SDP10, SDP16 and REI10

Appendix attached			
1	13/01751/FUL Minutes and Layout	2	Development Plan Policies

Background

This application is similar to that considered by the Planning and Rights of Way Panel on 14th January 2014. A copy of the Panel minutes and approved site layout for the previous scheme are provided at **Appendix 1** to this report. Previously the applicants, Picador, sought permission for a permanent car salesroom and forecourt on the site allocated for employment uses. Planning permission 13/01751/FUL was issued on 15th January and has not been implemented.

Instead, the applicants now seek a temporary two year solution for the site, which includes the same level of car sales but with a portacabin to be used as the sales office rather than a purpose built permanent structure. Planning permission is again required despite permission 13/01751/FUL, and will enable the site to become operational sooner. As the scheme is, again, a departure to saved policy REI10 (i) of the Local Plan Review it is necessary for the Panel to determine the application.

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. The funding of a Traffic Regulation Order (TRO) for off-site highway works to introduce car parking restrictions on Ashley Crescent.
2. In the event that the legal agreement is not completed within two months of the Planning and Rights of Way Panel, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
3. That the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1. The site and its context

- 1.1 The application site lies on the corner of Ashley Crescent and Portsmouth Road and is currently cleared and vacant. The site was used from the 1950s for the storage and distribution of frozen foods. The site previously contained a single-storey, warehouse-style building which covered much of the site. Parking and servicing took place to the front and to the eastern part of the site. More recently, the site was cleared and the rear part of the site was used to form the vehicular access to the Mayfield Academy.
- 1.2 Ashley Crescent is a small industrial estate which also includes an existing car sales use, immediately to the east of the application site, and a recently approved indoor children's play centre (LPA reference 12/01516/FUL). Beyond the western site boundary are single-storey residential properties and the northern side of Portsmouth Road also include residential properties.

2. Proposal

- 2.1 The application seeks a two year temporary planning permission to install a portacabin from where car sales will take place, together with 45 display spaces to the front of the site, 14 customer parking spaces and 11 car parking spaces for staff. It is intended that the site would operate in association with the existing Picador car sales and servicing use which lies opposite the site.
- 2.2 As with the permanent solution approved under LPA ref: 13/01751/FUL the proposed showroom building would be located on the south-east corner of the site. Instead, however, this building would be a single-storey portacabin providing 57 sq.m of floorspace (rather than the 180 sq.m consented) .
- 2.3 The applicants explain in their covering letter that *'the reason for this application for a temporary building is because the client is awaiting confirmation of being given another vehicle franchise from a new manufacturer to operate from this. Meanwhile, the client wishes to trade from this site with his current Vauxhall franchise from the temporary building'*.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The site is part of the Ashley Crescent industrial area which is safeguarded by saved policy RE110 (i) of the Local Plan Review for industry and warehousing uses. The proposal is, therefore, a departure from the Development Plan.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 13/01751/FUL – Approved 15.01.2014
Erection of car sales show room and associated external sales display area, staff and customer parking.
- 4.2 Planning permission for the use of the site for the storage and distribution of frozen foods was originally granted in 1954 (planning application reference 1040/E). Numerous subsequent planning applications were approved to extend and alter the buildings on site.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (28.02.14) and erecting site

notices (21.02.14 and 28.02.2014). At the time of writing the report 0 representations have been received although as the formal notification period expires on 21st March a verbal update will be given at the Panel meeting.

Consultation Responses

- 5.2 **SCC Highways** – Previously raised no objection subject to conditions and the developer entering into a section 106 legal agreement.
- 5.3 **SCC Environmental Health (Pollution & Safety)** – Previously raised no objection or conditions suggested.
- 5.4 **SCC Environmental Health (Contaminated Land)** – Previously raised no objection. The site may be subject to historic land contamination and so conditions were suggested to address this potential risk.
- 5.5 **SCC Archaeology** - No objection or conditions suggested.
- 5.6 **Southern Water** – Previously raised no objection. Suggests a condition to secure measures to protect the public sewer during development.
- 5.7 **SCC Landscape Officer** - The specification seems fine but I am a little worried about the tree pit detail for the trees in the car park. It specifies that the trees will be surrounded by a concrete ring set underground. This would normally be a problem because it effectively containerises the trees, making them vulnerable to drought. To mitigate this, the applicant has suggested that the rings will be perforated. Can you please ask them to provide details of the frequency of perforations? Also Acer Capillipes is quite a small tree. I can live with it where they have shown it on the plan, but would want larger trees in the additional positions I've identified around the site margins.
- 5.8 *Note: The amendments requested have been made and are shown on plan ref: 1898/1c, which will be conditioned.*

6. Planning Consideration Key Issues

- 6.1 As with permission 13/01751/FUL the key issues for consideration in the determination of this planning application are:
- (i) The principle of development;
 - (ii) The design together with the impact on the character of the area;
 - (iii) The impact on residential amenity and;
 - (iv) Parking and Highways.
- 6.2 **Principle of Development**
- 6.2.1 Saved policy RE110 of the Local Plan Review safeguards the site for light industrial, general industrial and storage and distribution uses and the proposal to develop the site for car sales would be contrary to this. The policy does, however, recognise that there are often a number of employment uses that would be appropriate in safeguarded areas and such uses include bus garages, warehouse clubs or builders merchants. Similarly policy CS6 of the Core Strategy also identifies that other employment uses, such as garages, may be appropriate in industrial estates.

6.2.2 The proposed development would introduce a commercial use which would be linked to the existing operations at the adjacent Picador site, albeit on a temporary basis, and the applicants suggest between 10 and 12 full time equivalent jobs will be created. This provides the opportunity to improve the delivery and servicing arrangements for the existing use. Furthermore, since residential properties lie immediately west of the site, there are clear benefits to developing this site for a non-industrial use. Having regard to the benefits of bringing forward a vacant site to provide an employment-generating use, the departure from the Development Plan is considered to be acceptable in this instance.

6.2.3 Planning permission 13/01751/FUL is a material consideration in this case as the Council has accepted the principle of development.

6.3 Design and Impact on the Character of the Area

6.3.1 Clearly, the approved permanent building is preferable to a temporary portacabin, but the applicant has every right to have their revised application for a portacabin considered. A two year temporary period is proposed and, on this basis, the application can be supported. The scale and appearance of the proposed portacabin are considered to be appropriate for the mixed residential and commercial context of the site, albeit only on a temporary basis. The proposed layout provides soft landscaping and tree planting to the forecourt, which would help to break-up and soften the appearance of the parking and portacabin. Furthermore, bringing this vacant site back into active use is also considered to be positive in terms of the character of the area. A two year consent is considered to be acceptable, although is unlikely to be suitable as a permanent solution.

6.4 Impact on Residential Amenity

6.4.1 The key consideration in this respect is the relationship of the proposal with the adjoining residential property at no. 512 Portsmouth Road. As with the approved scheme the proposed portacabin would be located away from the boundary with this property and the low-rise design means that the structure itself would not have a detrimental impact on residential amenity. The activity relating to the use would be less disruptive to residential amenity than the previous use or the allocated use of the site. Conditions are also suggested to restrict the hours of trading for the use. The scheme is considered to have an acceptable relationship with the nearby residential properties.

6.5 Parking and Highways

6.5.1 The Parking Standards Supplementary Planning Document permits a maximum of 11 car parking spaces for customers and staff. The application proposes 14 more spaces than the maximum standard, but having regard to the remote location of the site and the clear parking issues experienced on the industrial estate, the level of car parking is considered to be acceptable. The Highways Team are satisfied that the access arrangements proposed would meet highway safety standards and that the provision of a one-way route through the site for car transporters would also help to alleviate some of the highways issues experienced with the neighbouring Picador site. It is recommended that the developer enters into a section 106 legal agreement with the Council to secure a Traffic Regulation Order that would prevent car parking in the access to the rear of the site. This is to enable a car transporter to enter the site with ease and not create a highway safety issue.

7. Summary

7.1 Once again, the development of a vacant site within an industrial estate to provide an employment-generating use is welcome. The Development Plan recognises that such locations are appropriate for garage uses and given the site's proximity to residential properties, a car sales use would be preferable to an industrial use in residential amenity terms. The departure from the Development Plan is, therefore, considered to be acceptable in this instance despite this application only seeking a two year temporary use.

8. Conclusion

8.1 Subject to the developer entering into a section 106 agreement to mitigate the highway impact of the development and to the imposition of the conditions set out below, the proposal is considered to be acceptable and planning permission should be granted.

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

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

SH for 25/03/14 PROW Panel

PLANNING CONDITIONS

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

The development works hereby permitted shall begin not later than 2 years from the date on which this planning permission was granted.

Reason:

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

02. APPROVAL CONDITION - Time Limited (Temporary) Permission

The development works hereby permitted shall be discontinued on or before a period ending 2 years from the date of this temporary planning permission. After this time the land and buildings shall be restored to their former condition, or to a condition to be agreed in writing by the Local Planning Authority prior to this time.

Reason:

To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for the development in order to monitor the use in relation to the amenities of residential property in the area.

03. APPROVAL CONDITION - Details of building materials to be used

The temporary portacabin hereby approved shall be erected in accordance with the design and materials shown on plan ref: 212.13/11, which was received by the Local Planning Authority on 10th February 2014.

Reason:

As the application has been submitted and justified on this basis..

04. APPROVAL CONDITION – Landscaping

The hard and soft landscaping proposals (including the laying out of parking) shown on amended plan ref: 1898/1c, which was received by the Local Planning Authority on 6th March 2014, is approved and shall be carried out in accordance with the Partridge Associates Landscape Specification (dated 24th January 2014) prior to either the use of the portacabin for car sales, the first use of the site for car sales or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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

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

05. APPROVAL CONDITION- Land Contamination investigation and remediation

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

06. APPROVAL CONDITION - Use of uncontaminated soils and fill

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

07. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

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

08. APPROVAL CONDITION - Parking and Access [performance condition]

Prior to the development first coming into use, the parking and access into the site shall be provided in accordance with the plans hereby approved. The parking and access shall be thereafter retained for the lifetime of the development.

Reason:

In the interests of the safety and convenience of the users of the adjoining highway.

09. APPROVAL CONDITION - Visitor and Staff Cycle Storage [pre-use condition]

Before the development hereby approved first comes into use, secure and covered cycle storage facilities for staff together with short-term cycle parking shall be provided in accordance with the submitted details.

Reason:

To encourage cycling as a sustainable alternative to the private car.

10. APPROVAL CONDITION - Hours of Use [performance condition]

The use hereby approved shall not operate outside of the following hours of opening:

Mondays to Fridays:	08:00 to 19:00
Saturdays:	08:00 to 17:30
Sundays and Public Holidays:	10:00 to 16:00

Reason:

In the interests of the amenities of the occupiers of the neighbouring residential properties and as these are the hours applied for.

11. APPROVAL CONDITION - Public Sewer Protection Measures

No development works shall commence until details of measures to protect the public sewer and water apparatus shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.

Reason:

To protect the public sewer and water apparatus during the course of construction.

12. APPROVAL CONDITION - Servicing [performance condition]

The southern vehicular access shall be used as an “entrance only” for servicing and delivery vehicles and the eastern vehicular access shall be used as an “exit only” for servicing and delivery vehicles.

Reason:

In the interests of the safety and convenience of the users of the adjoining highway.

13. 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.

**Planning & Rights of Way – Panel Minutes & Approved Site Layout
(LPA ref: 13/01751/FUL)**

SOUTHAMPTON CITY COUNCIL
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 14 JANUARY 2014

Present:

Councillors Mrs Blatchford (Chair), Claisse, Cunio (Vice-Chair), L Harris,
Lewzey (Except Minute Item 92), Lloyd and Norris

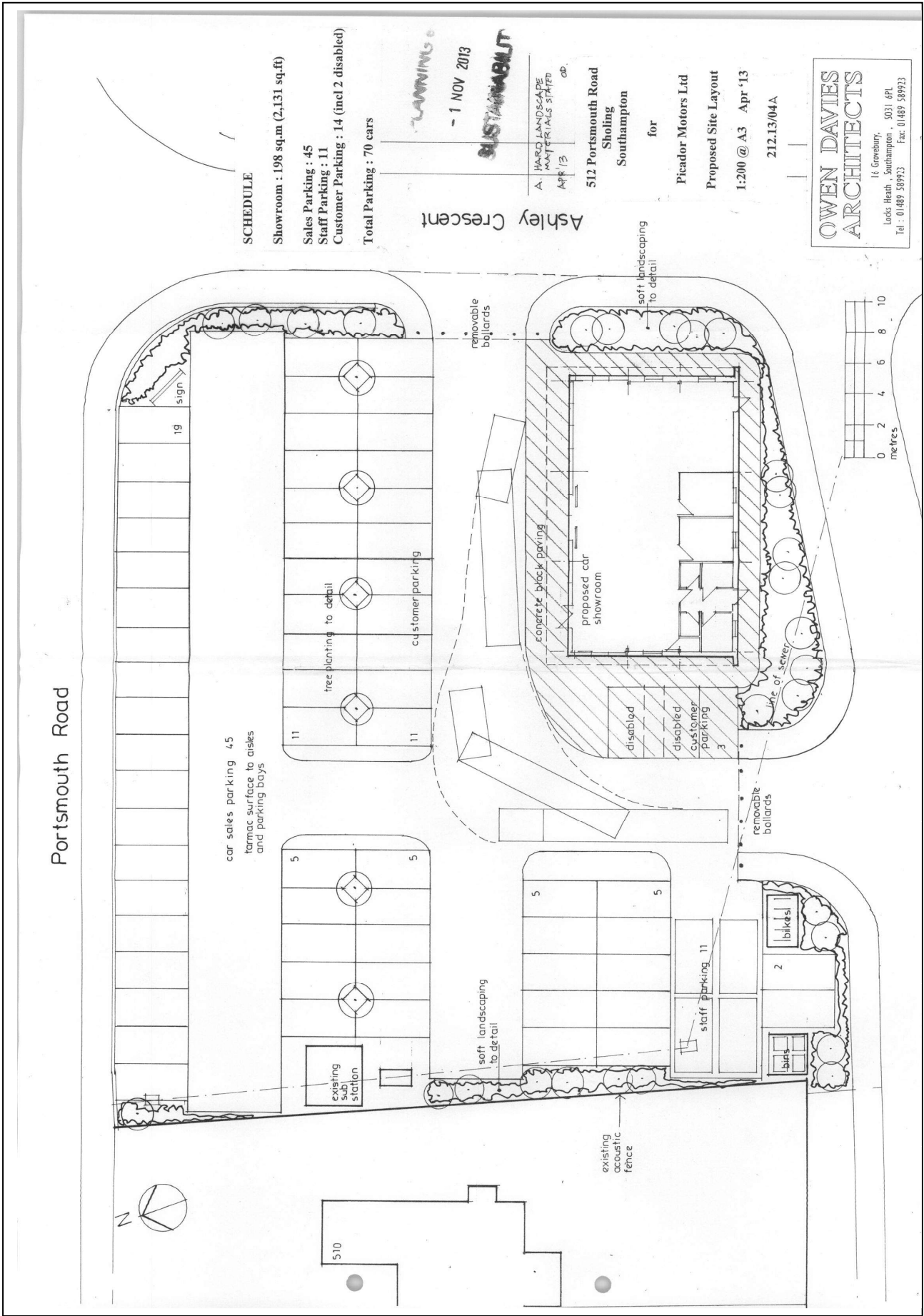
93. 13/01751/FUL - 512 PORTSMOUTH ROAD

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Erection of car sales show room and associated external sales display area, staff and customer parking.

RESOLVED

- (i) that the Planning and Development Manager be given delegated powers to grant planning permission subject to the completion of a S106 legal agreement and the conditions in the report;
- (ii) that in the event that the legal agreement and amended plans are not completed within two months of the Panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement and / or highway safety grounds; and
- (iii) to delegate to the Planning and Development Manager to amend the S106 and / or conditions as necessary.



SCHEDULE
 Showroom : 198 sq.m (2,131 sq.ft)
 Sales Parking : 45
 Staff Parking : 11
 Customer Parking : 14 (incl 2 disabled)
 Total Parking : 70 cars

Ashley Crescent
 512 Portsmouth Road
 Sholing
 Southampton

LANDING
 - 1 NOV 2013
 SUSTAINABLE

A. HARD LANDSCAPE MATERIALS STARTED APR 13

for
 Picador Motors Ltd
 Proposed Site Layout

1:200 @ A3 Apr 13
 212.13/04A

OWEN DAVIES ARCHITECTS
 16 Grovebury,
 Lock Heath, Southampton, SO3 6PL
 Tel : 01489 589933 Fax: 01489 589923

Site Layout Plan for Permanent Car Sales – Approved under LPA Ref: 13/01751/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

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

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
REI10	Industry and Warehousing
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

14/00255/FUL

