

**Planning and Rights of Way Panel 31<sup>st</sup> July 2018**  
**Planning Application Report of the Service Lead - Infrastructure, Planning and Development**

<b>Application address:</b> 390 - 392 Shirley Road, Southampton			
<b>Proposed development:</b> Redevelopment of the site. Erection of a single storey building to provide a Lidl food store with parking following demolition of existing building (Re-submission of 17/01206/FUL)			
<b>Application number</b>	18/00746/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	07.08.2018 (Extension of Time Agreed)	<b>Ward</b>	Millbrook
<b>Reason for Panel Referral:</b>	More than five letters of objection	<b>Ward Councillors</b>	Cllr Furnell Cllr Taggart Cllr Galton
<b>Applicant:</b> Lidl UK GmbH		<b>Agent:</b> Lidl UK GmbH	

<b>Recommendation Summary</b>	Delegate to the Service Lead – Infrastructure, Planning and Development subject to the criteria listed in the report
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Planning Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the previous reasons for refusal, highway safety, residential amenity and the impact on the street scene 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 as set out in the report to the Planning & Rights of Way Panel on 31<sup>st</sup> July 2018. 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. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, RE14 of the City of Southampton Local Plan Review - Amended 2015 policies CS3, CS6, CS7, CS13, CS18, CS19, CS20, CS22, CS24 and CS25 of the Local Development Framework Core Strategy (2015) and National Planning Guidance contained within the National Planning Policy Framework.

<b>Appendix attached</b>			
1	Planning History	2	Proposed Highway Improvements
3	Development Plan Policies	4	Highway Comments

## **Recommendation in Full**

1. Delegate to the Service Lead – Infrastructure, Planning and Development to grant planning permission subject to the planning conditions recommended at the end of this report and 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 (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - iii. Submission and implementation of a Travel Plan.
  - iv. Submission and implementation of a Servicing Management Plan
  - v. A Site Waste Management Plan.
  - vi. Employment and Skills Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
  - vii. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
2. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Infrastructure, Planning and Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
3. That the Service Lead – Infrastructure, Planning and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

### **1. Background**

- 1.1 This application follows a previous application for a food store which was refused planning permission by the Planning and Rights of Way Panel on 13<sup>th</sup> March 2018 (planning application reference 17/01206/FUL). The refused scheme was similar in nature to that currently proposed however, the store was positioned along the shared boundary with properties along Mayflower Road.

The previous scheme was refused for; the impact on the outlook from properties on Mayflower Road, with respect to the unbroken length of elevation along the boundary, and secondly; due to the failure to complete the S106 legal agreement. The full reasons for refusal are set out in **Appendix 1**. This revised scheme seeks to address the previous reasons for refusal.

## **2. The site and its context**

2.1 The site comprises three parts; the former Shirley Police station; a vacant retail unit which lies within the defined Shirley Town Centre and; the former Council depot fronting Villiers Road (which lies outside the defined town centre and has no allocation in the adopted Local Plan). The former Depot site has been sold to Lidl unconditionally by the Council. The buildings on the site have been demolished and the site is now hoarded and clear.

2.2 The site lies within a mixed use area with residential and commercial uses. Most of Villiers Road, Shirley Road and Shirley High Street are in commercial use, with some residential at first floor. There are residential units within the buildings adjacent on Shirley High Street, along Mayflower Road, Heysham Road and the bottom part of Villiers Road, where the character changes and becomes residential.

2.3 There were three trees on the site covered by Tree Preservation Orders (TPO); one Yew along the frontage, which remains; and two Sweet Chestnut trees within the site that have been removed. The site lies opposite the Locally Listed Church of St Boniface (including its presbytery and church hall). The site is not within a conservation area.

## **3. Proposal**

3.1 Full planning permission is sought for the redevelopment of the site to construct a single storey building to provide a food store with a gross internal floorspace of 2200 square metres (sq.m) (sales area of 1401 sq.m with delivery and storage space, bakery preparation, cool storage and welfare area) together with 118 car parking spaces. This scheme has been amended since previously refused, chiefly by locating the store adjacent to the boundary with Villiers Road as opposed to the previous location adjacent to the boundary with Mayflower Road properties.

3.2 The proposed entrance is to the north east of the building, fronting the car park. The vehicle access and main highway elements of the scheme remain unchanged from the earlier application. In total 118 car parking spaces, including 10 parent and child and 10 disabled, are still provided, albeit their location has changed to allow for improved access. A delivery bay is provided to the west elevation of the building. A series of highway improvements are proposed and would be secured through the section 106 legal agreement (see recommendation 1(i)). A plan of these works are included in **Appendix 2**.

3.3 The building is to be constructed using brick with silver cladding on the upper section of elevations, with the exception of the Villiers Road elevation which is brick and glazing. Glazing is also proposed along the frontage to Shirley Road together along the first ten metres of the elevation fronting Villiers Road.

- 3.4 Subsequent to this application being submitted, further amendments have been secured to improve the design of the side elevation of the store, fronting Villiers Road. High level windows have now been included and vertical emphasis is provided by the introduction of brick pillars and downpipes. The use of two different brick types also seeks to add some interest. In addition to this, the design of the fire escape has been improved and the landscaping along this elevation now complements the design. At its highest point the development is 8.6 metres high but averages between 6.6 and 6.8 metres high.
- 3.5 The number of trees to be planted has increased from 20 to 29, when compared with the earlier scheme, and an increase in soft landscaping has also been provided. The existing substantial Yew tree along the frontage will remain. The proposed replacement trees include a mix of Silver Birch, fastigate Beech, Copper Beech, London Plane, upright Pin Oak, Whitebeam, Small Leaved Lime and Yew.
- 3.6 The proposed store would provide an equivalent of 23 full time jobs. The hours of opening sought are 8.00 am to 22.00 pm Monday and Saturday and 10.00am to 17.00 pm Sundays.

#### **4. Relevant Planning Policy**

- 4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 3**. The site is not allocated for development within the Development Plan. It lies within Shirley Town Centre and within a Medium Public Transport Accessibility Area.
- 4.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 4.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> 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.

#### **5. Relevant Planning History**

- 5.1 A schedule of the planning history for the site is set out in **Appendix 1**. As noted above, the most relevant previous application is the recent refusal of the food store (application reference 17/01206/FUL).

#### **6. Consultation Responses and Notification Representations**

- 6.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, erecting site notices (18.05.2018) and posting an advertisement in the local press (18.05.2018). At the time of writing the report **22 representations** have been received; this includes comments from all three

Ward Cllrs and neighbouring Ward Cllrs and 5 letters of support. The following is a summary of the points raised:

**6.2 Impact on highway safety due to site entrance, proximity to the junction and increase in traffic**

Response

No objection has been raised from the Council's Highway Engineer following the receipt of amended plans. The access arrangements and trip generation remain unchanged from the earlier scheme and did not previously form a reason for refusal. A highway safety improvement package will be secured as part of the S106 legal agreement (see recommendation 1(i) and **Appendix 2**) to mitigate any potential highway issues.

**6.3 Delivery times should be restricted**

Response

Agreed, a condition to restrict the timing of deliveries is suggested (see condition 36).

**6.4 Concern raised over security of neighbouring occupiers boundaries and the removal of trollies**

Response

A boundary treatment condition and trolley management plan are suggested (see conditions 7 and 18).

**6.5 Concerned about air pollution**

Response

The site does not lie within a defined Air Quality Management Area (AQMA). Furthermore, the site is located within a Town Centre location which means the site is accessible by sustainable modes of transport. A workplace travel plan will be secured through the section 106 legal agreement which promotes sustainable travel (see recommendation 1 (iii)). In addition to this, the proposal includes an increase in soft landscaping and trees when compared with the existing situation, which helps to mitigate the environmental impact of the development. It is also important to note that the site is previously developed with previous uses also generating vehicular trips.

**6.6 Impact of lighting on neighbours**

Response

Details of external lighting has been provided and Environmental Health have raised no objection to these details. A condition is suggested to ensure the lighting is provided in accordance with the agreed details (see condition 17).

**6.7 No advertisements should be placed on the Villiers Road elevation**

Response

Advertisements will need be considered through the advertisement consent process and do not form part of this application.

**6.8 Solar Panels and rainwater collection should be introduced**

Response

Conditions to secure BREEAM 'Excellent' are recommended which requires all aspects of sustainable technologies be investigated (see conditions 21 and 22). This meets the requirements of Policy CS20 of the Core Strategy.

- 6.9 **Prevent the use of the car park after hours**  
Response  
A parking management plan is suggested to control the use of the car park (see condition 6).
- 6.10 **Litter bins should be provided on site**  
Response  
Agreed a condition has been suggested to secure these (see condition 11).
- 6.11 **Poor design due to the oppressive brick wall to Villiers Road**  
Response  
As set out above, the scheme has been amended since first submitted to improve the appearance of the Villiers Road elevation. The nature of a supermarket use means that the building will inevitably have a number of blank elevations. Furthermore, the relocation of the store to the Villiers Road frontage is necessary to minimise the impact on neighbouring residents. The current position of the store, therefore, represents the optimum location on the site.
- 6.12 The Villiers Road elevation has been amended to provide a more crisp design appearance whilst articulated with glazing and brick piers. Tree planting will also help to soften and complement the appearance of this elevation and a condition is suggested to retain this part of the landscaping in perpetuity. These changes are in accordance with the advice from the Council's Design Manager. A supermarket building of this nature is not unusual within a Town Centre location such as this and, on balance, is considered to be acceptable.
- 6.13 **Concern about noise (both from customers and equipment and light pollution)**  
Response  
A Noise Impact Assessment has been carried out and submitted with the application. This concludes that the development would fall below the Lowest Observed Adverse Effect Level. The Council's Environmental Health Team have reviewed this and raise no objection to the scheme on this basis. As such, the proposal is in accordance with guidance set out in the National Planning Policy Framework.
- 6.14 Details of lighting have also been provided and the Council's Environmental Health Team have raised no objection to the scheme on this basis. It is also important to note that these issues did not previously form part of the Council's reason for refusal. Conditions are suggested to minimise the impact of the operation of the store on nearby residents (see conditions 6, 7, 29 and 36).
- 6.15 **Insufficient parking**  
Response  
The level of car parking and proposed trip generation remains the same as the scheme previously considered by the Council and did not form part of the Council's refusal reasons. The number of parking spaces proposed exceeds the Council's current maximum standards and no objection is raised by Highway Officers on these grounds. As the site lies within defined town centre it is expected that some customers will visit on foot, and by bus, as well as by car so the parking is deemed sufficient for the size of the use.

## Consultation Responses

- 6.16 **SCC Highways – No objection following amendments**  
The proposed development, in highway terms, is near identical to the previous proposal (17/01206/FUL) and most of the highway issues were agreed and addressed as part of the previous application. The level of impact is not considered to be severe with the mitigation measures provided sufficient to address the impact (**Appendix 2**). The full comments from the Highway Engineer are included as **Appendix 3**.
- 6.17 **SCC Sustainability Team – No objection**  
Subject to the imposition of conditions securing BREEAM 'Excellent'.
- 6.18 **SCC Tree Team – No objection**  
Four large statue trees are required on site to mitigate the loss of the two protected trees. Details of the dimensions of the canopy footing to be placed in the RPA and the intended method for installation of the canopy and support in this area are required. A more varied and larger tree planting mix may help to secure local support to the proposal.  
**Officer comment** – An updated landscaping scheme has been provided in line with the comments from the Council's Tree Team.
- 6.19 **SCC Ecologist – No objection**  
No objection is raised to the proposed development provided the landscaping maintains the current range of species that are 'Perfect for Pollinators' and bird and bat boxes are added, as per the recommendations in the Preliminary Ecological Appraisal, August 2017, RPS subject to a swift roosting box to be included amongst the bird boxes (see condition 16).
- 6.20 **Hampshire Constabulary – Objection**  
Hampshire Constabulary preferred the refused layout which offered much better surveillance of the building, car park and loading bay. Raise concerns with the inactive frontage to Villiers Road but note previous Police building was similar. Raise concern with the fire escape design and the external ladder access to the flat roof.  
**Officer comment:** *The scheme has been amended to address the concerns with the fire escape. A condition relating to the ladder is suggested together with a management plan to the car park (see conditions 6, 7 and 20).*
- 6.21 **SCC Archaeology: No objection**  
There is potential for archaeology to exist on the site and conditions are suggested to address this. The proposal retains an existing mile marker which is also a positive heritage feature of the site.
- 6.22 **SCC Environmental Health (Contaminated Land): No objection**  
No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.
- 6.23 **SCC Environmental Health (Pollution & Safety) – No objection** subject to conditions securing a construction environment management plan, no bonfires (not secured as can be dealt with under separate legislation) and working hours.

6.24 **SCC Design – No objection**

The Council's Design Officer reiterates their original comment which was that they would have preferred to have seen a continuous street frontage along Shirley Road. Overall, the scheme has progressed in line with guidance provided. Detailed aspects of the landscaping are to be secured by condition.

6.25 **SCC Flooding Team – No objection**

Conditions are suggested to secure a satisfactory drainage strategy.

6.26 **Southern Water – No objection.**

Suggests a condition to secure measures to protect the public sewer during development and to secure details of the means of foul and surface water disposal.

**7. Planning Consideration Key Issues**

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

- Principle of development;
- Design and effect on character;
- Residential amenity;
- Highway impact and parking;
- Impact on protected trees and landscaping; and
- Development mitigation.

7.2 Principle of development

7.2.1 In principle, redeveloping the site to provide a Lidl foodstore is supported. There is no need for a retail impact assessment in this location since the application site is partly located within Shirley Town Centre. Core Strategy policy CS3 states that: *'The Council will support the role of town and district centres in providing shops and local services in safe, accessible locations. New development should make a contribution to the centre's vitality and viability, promote and enhance its attractiveness, respect where possible the historic street patterns and building lines and improve its connectivity to surrounding residential neighbourhoods'*.

7.2.2 The development will provide regeneration benefits for the area and additional job opportunities, which are welcomed. Although as there is an existing Lidl in the area, it is expected that there will be a transfer of jobs from one store to the other with some additional jobs created. This would be in accordance with Core Strategy policy CS24. An Employment and Skills Plan is to be secured through the provision of the S106 agreement so that the new store supports local employment initiatives.

7.2.3 This scheme would bring a vacant site back into use and would consequently enhance the vitality and viability of Shirley town Centre. Therefore, the principle of the use and the redevelopment of the site is accepted.

7.3 Design and effect on character

7.3.1 The proposed building is single-storey and at its highest point 8.6 metres along the Villiers Road elevation. This accords with the typical range of building heights to be found in the area. The building follows a standard design approach and is, therefore, similar to other Lidl sites in the city and throughout

the country. As such, the design approach is considered to be acceptable for this Town Centre location. A bespoke approach to the external materials is proposed due to the proximity of the site to the Locally Listed St Bonface Church, which is constructed out of red brick and is a very attractive prominent building within the streetscene. Overall, the height and positioning of the proposed building would not adversely impact on views of the Locally Listed church.

7.3.2 Whilst the main entrance to the store is to the north-side of the building facing the car park, the scheme has been designed to lie at 90 degrees to the road providing full-height glazing to Shirley Road and the initial section of Villiers Road which provides activity to the streets. To reduce the visual impact of the car parking on the street, a low-level wall and landscaping are proposed along the rest of Shirley Road frontage.

7.3.3 As set out above, the constraints of the site and operational requirements of the store means that a long and mainly blank elevation is proposed to Villiers Road. The changes to the scheme ensure that this elevation has a crisp design appearance and, when assessed against the structures previously on site and the existing development on Villiers Road, the new development is not considered to be significantly harmful. The scheme has been designed to minimise this impact by introducing street trees, a variation in bricks, high level windows and vertical emphasis by using the pillar design and rainwater goods. Furthermore, the re-location of the store is a necessary design response to the previous reason for refusal relating to the impact on Mayflower Road residents.

7.3.4 Overall, the proposal will bring a vacant site into use, introduce activity and vitality and provide a retail facility within a sustainable location and, on balance, is considered to be acceptable in this respect.

#### 7.4 Residential Amenity

7.4.1 The scheme has sought to address the previous first reason for refusal which related to the impact on the residential amenities of the occupiers of Mayflower Road in terms of outlook due to the height and proximity of the building. The amended location of the scheme means the footprint has been moved away from residential properties and closer to the adjacent commercial garage on Villiers Road and those commercial units opposite. With respect to the properties at Heysham Road, the proposal meets the privacy and outlook distances set out in the Residential Design Guide as it is 29 metres from the nearest part of the proposed store to the boundary with residential properties. On this basis, the scheme has addressed the previous reason for refusal. Whilst the application proposes car parking adjacent to the boundary with neighbouring residents, a landscape buffer is proposed and overall, this arrangement would not be significantly different from the (previously) existing situation. Overall, with the controls relating to noise, lighting and management, the proposal is considered acceptable in this respect.

#### 7.5 Highway Safety and Parking

7.5.1 As set out above, the access arrangements and trip generation associated with the proposal remain the same as the previous scheme and furthermore, a similar package of mitigation measures will be secured. It is important to note that this did not form part of the Council's reasons for refusing the previous scheme.

- 7.5.2 Shirley Road is a busy thoroughfare linking the city centre with the north and western suburbs. The Shirley Road corridor does not have a good accident record. Therefore, it is key that any scheme proposed does not result in a development which would heighten this impact. To ensure that the scheme does not have a detrimental impact on the wider highway network it is important that this development incorporates site specific transport measures to improve traffic conditions in this area for vehicles and pedestrians including the junction with Villiers Road/Shirley Road.
- 7.5.3 The site specific measures include changes to the junction to allow a formal right turn lane, keep clear markings and removal of the on street parking which will improve the existing and potential flow of traffic within the vicinity of the junction. In addition to this, the resurfacing of Villiers Road would be a benefit to users of the highway. Furthermore, the reduction of the number of kerbs/accesses onto Villiers Road will also be a benefit in highway safety terms.
- 7.5.4 There is an over provision of parking proposed. However, in this case there is justification that an over provision is warranted especially as there will be a loss of on-street parking. It is positive that shoppers will be able to use the car park for short stay parking to access other shops in the Town centre. A car park management plan is proposed to be conditioned to ensure there is no abuse of the parking and that the spaces allow for linked trips.
- 7.5.5 There will be an increase in traffic from the development, and it is understood servicing of the site will result in issues but the mitigation suggested will reduce the impact. On balance, following detailed discussions with the applicants, the scheme will not result in detrimental harm to the users of Shirley town centre nor the neighbouring occupiers in terms of highway safety. Therefore, subject to the mitigation measures set out above, the proposal is acceptable in highway terms and a reason for refusal on this basis is therefore not justified.
- 7.6 Impact on protected trees and Landscaping
- 7.6.1 The revised scheme proposes the retention of the Yew Tree that fronts Shirley Road. The scheme seeks to provide 29 trees on site, which exceeds those required to comply with the Council's policy of two-for-one replacements (four replacement trees would be required). The Council's Tree Team would require further information on the types of trees and to safeguard the trees for their lifetime. Landscaping has been provided along part of the Shirley Road frontage and along Villiers Road as well within the parking areas to reduce the harsh impact of the parking areas. This is a benefit as the previous uses meant landscaping was minimal. A landscaping condition is suggested to secure all the landscaping; as they provide a positive element to the proposal as well as an environmental benefit which would enhance the street scene and the character of the area.
- 7.7 Development Mitigation
- 7.7.1 As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and

obligations would be required as part of the application if the application were to be approved. The main area of contribution for this development, in order to mitigate against its wider impact, is for highway works and these works are to be secured via a Section 106 legal agreement with the applicant. These works will be improvements to traffic flows, pedestrian and cycle movements, crossing facilities, removal of parking bays and improvement to public realm. In addition the scheme triggers the Community Infrastructure Levy (CIL).

## **8. Summary**

- 8.1 The principle of a new Lidl store is policy compliant and would be a suitable addition to the retail frontage of Shirley. The current proposal strikes a balance between protecting the amenities of nearby residents, the operational requirements of the store and the visual impact of the design on the streetscene. The proposed development would therefore, address the previous reason for refusals in relation to its impact on residential amenity and would mitigate its impact subject to the completion of the S106 legal agreement.
- 8.2 Therefore, since the Town Centre is an entirely appropriate location for a supermarket and having regard to the benefits associated with enhancing the vitality and viability of this vacant Town Centre site, on balance the scheme is considered to be acceptable.

## **9. Conclusion**

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

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

### **ARL for 31/07/2018 PROW Panel**

#### **PLANNING CONDITIONS**

##### **1. Full Permission Timing Condition (Performance)**

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

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

##### **2. Details of building materials to be used (Pre-Commencement Condition)**

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building

materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

### **3. Detailed Design (Pre-commencement Condition)**

With the exception of demolition and site clearance, prior to the commencement of development hereby approved, detailed designs, including plans of no less detail than 1:20 scale, shall be submitted to and approved in writing by the Local Planning Authority which provides the following:

- Brick bonding detailing on the Villiers Road elevation;
- Paving detail for the area around the trees;
- Details of the joining of the landscaping area to the pillars;
- A sectional detail for the tree pits and anchorage of the specimen trees; and
- Roof parapets.

The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the design appearance of the dwellings are of a sufficient quality to preserve or enhance the character of The Avenue Conservation Area.

### **4. Parking (Pre-Use Condition)**

The parking for 118 spaces and access shall be provided in accordance with the plans hereby approved before the development first comes into use and thereafter retained as approved for use in connection with the store hereby approved.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

### **5. Car Park Management Plan (Pre-Use Condition)**

Prior to development hereby approved first coming into use, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. Specifically, this shall include details of a minimum of 1.5 hours dwell time for parked vehicles (including allowing customers to leave their vehicles in the car park to visit other units within the area) within the car park hereby permitted. The Management Plan shall be implemented when the development first comes into use and thereafter adhered to at all times.

Reason: To add to vitality of the Town Centre and control the use of the car park.

### **6. Management of Trolleys (Pre-Use Condition)**

Prior to use hereby approved first commencing, a scheme for the storage and management of supermarket trolleys shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to ensure that trolleys are returned to appropriate collection points and storage positions and not otherwise left or abandoned. The approved scheme shall operate from the first opening of the store and thereafter adhered to at all times. The effectiveness of the scheme shall be reviewed in accordance with a programme to be included in the 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.

#### **7. Pedestrian Circulation Measures and disabled access (Pre-Commencement Condition)**

Notwithstanding the submitted plans, the proposed car parks for the store shall incorporate pedestrian circulation measures in accordance with details to be submitted to and agreed in writing by the Local Planning Authority before the development commences. Furthermore, access to the store entrance from Shirley Road's frontage needs to comply with the Disability Discrimination Act requirements.

Reason: In the interest of pedestrian and highway safety.

#### **8. Cycle storage and changing facilities (Pre-Use Condition)**

Before the development hereby approved first comes into use, secure and covered storage for bicycles for both employees and customers shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Customer cycle parking should be covered and secure and staff cycle parking should be positioned within a secure and weatherproof storage area. A shower area and lockers shall also be provided for staff. The approved scheme shall be thereafter retained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage cycling as an alternative form of transport.

#### **9. Refuse & Recycling (Pre-Use Condition)**

Before the development hereby approved first comes into use, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development first comes into use and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of nearby properties and in the interests of highway safety.

#### **10. Litter Bins (Pre-Use Condition)**

Before the use hereby approved commences, litter bins shall be provided in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be retained and managed during the lifetime of the development.

Reason: To ensure that adequate facilities are provided for the collection and disposal of litter likely to be generated by this mixed-use development.

#### **11. Active frontages (Performance Condition)**

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the food store (retail/ A1) hereby approved shall retain clear glazing on the ground floor along the length of the shop frontages to Shirley Road and Villiers Road and the high-level windows to Villiers Road hereby approved (without the installation of window vinyl, shutters or equivalent) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of retaining a lively and attractive streetscene without obstruction and to improve the natural surveillance offered by the development.

### **12. Landscaping scheme (Pre-Commencement Condition)**

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. Planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- ii. At least four large statue trees on site to mitigate the loss of the two protected trees.
- iii. Details of the dimensions of the canopy footing to be placed in the Root Protection Area of the Yew tree and the intended method for installation of the canopy and support in this area are required.
- iv. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- v. Details of all hardstanding;
- vi. details of any proposed boundary treatment, including retaining walls and;
- vii. a landscape management scheme including an automated irrigation scheme or similar to maintain the vegetation on site along the Villiers road boundary.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building 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.

The tree planting to the Villiers Road elevation of the building shall be retained for the lifetime of the development with any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased 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.

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

### **13. No storage under tree canopy (Performance Condition)**

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

**14. Tree Retention and Safeguarding (Pre-Commencement Condition)**

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed 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.

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

**15. Ecological Mitigation and Enhancement Measure (Performance Condition)**

Prior to the store hereby approved first coming into use, the Ecological Mitigation and Enhancement Measures shall be fully provided in accordance with the Preliminary Ecological Appraisal August 2017. The bird boxes provided shall include at least one swift roosting box. The measures shall thereafter be retained as approved.

Reason: To mitigate and enhance the biodiversity value of the site.

**16. Lighting scheme (Performance Condition)**

The external lighting shall be installed in accordance with the plans hereby approved before the use first commences and thereafter retained as approved. No subsequent alterations to the approved lighting scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protect residential amenity and to ensure a safe and secure development.

**18. Boundary Treatment (Performance Condition)**

Before the development hereby approved first comes into use, the boundary treatment of the site shall be provided in accordance with approved plans. The boundary treatment shall thereafter be retained as approved.

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

**19. Site Levels (Pre-Commencement Condition)**

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

Reason: To ensure that the heights and finished levels of the development are built as agreed in the interests of visual and neighbour amenity.

## **20. External ladder details (Pre-Use Condition)**

Before the development hereby approved first comes into use, details of the external ladder showing either a retractable ladder or a secure cage enclosure around the base shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development comes into use and thereafter retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide a safe development.

## **21. BREEAM Standards (Pre-Commencement Condition)**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Excellent against the BREEAM Standard, in the form of a design stage report, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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).

## **22. BREEAM Standards (Performance Condition)**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Excellent against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development has minimised 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).

## **23. Archaeological damage-assessment (Pre-Commencement Condition)**

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason: To inform and update the assessment of the threat to the archaeological deposits.

## **24. Archaeological evaluation investigation (Pre-Commencement Condition)**

No development shall take place within the 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 by the Local planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

## **25. Archaeological evaluation work programme (Performance Condition)**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

### **26. Archaeological investigation (further works) (Performance Condition)**

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

Reason: To ensure that the additional archaeological investigation is initiated at an appropriate point in development procedure.

### **27. Archaeological work programme (further works) (Performance Condition)**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed.

### **28. Archaeological structure-recording (Performance Condition)**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed.

### **29. Noise - plant and machinery (Pre-Commencement Condition)**

The use hereby approved shall not commence until details of measures to minimise noise from plant and machinery associated with the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details before the use hereby approved commences and thereafter retained as approved.

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

### **30. 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. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by 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.

### **31. Use of uncontaminated soils and fill (Performance Condition)**

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.

### **32. Construction Management Plan (Pre-Commencement Condition)**

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- a) parking of vehicles of site personnel, operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and,
- f) details of how noise emanating from the site during construction will be mitigated.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

### **33. Sustainable Drainage Systems (Pre-Commencement Condition)**

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

### **34. Surface / foul water drainage (Pre-commencement Condition)**

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

### **35. Public Sewer protection (Performance Condition)**

Prior to the commencement of development, details of the measures to protect the public sewer from damage during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the public sewer.

### **36. Hours of Use & Delivery (Performance Condition)**

The food store hereby approved shall not operate outside of the hours hereby set out:

- 8.00am and 10pm midnight (Monday to Saturday) and
- 10am and 5pm Sundays, Bank and/or Public Holidays

No deliveries shall be taken or despatched outside the hours hereby set out:

- 7am and 11pm (7 days a week including Sundays and recognised public holidays)

Reason: In the interests of existing and proposed residential amenity

### **37. Hours of work for Demolition / Clearance / Construction (Performance Condition)**

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

Monday to Friday	08:00 to 18:00 hours
Saturdays	09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

### **38. 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.