

Planning and Rights of Way Panel

Tuesday, 27th August, 2019
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Rooms 3 & 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Savage (Chair)
Councillor Mitchell (Vice-Chair)
Councillor Coombs
Councillor G Galton
Councillor L Harris
Councillor Vaughan
Councillor Windle

Contacts

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Service Lead - Planning Infrastructure and
Development
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PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

PUBLIC REPRESENTATIONS

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

SMOKING POLICY – The Council operates a no-smoking policy in all civic buildings

MOBILE TELEPHONES:- Please switch your mobile telephones to silent whilst in the meeting

USE OF SOCIAL MEDIA:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

FIRE PROCEDURE – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

ACCESS – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2019/2020

2019	
4 June	17 September
25 June	15 October
16 July	12 November
6 August	10 December
31 August	

2020	
14 January	31 March
11 February	23 April
10 March	

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

OTHER INTERESTS

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

PRINCIPLES OF DECISION MAKING

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 8)

To approve and sign as a correct record the Minutes of the meetings held on 6 August 2019 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 18/01532/FUL - 73, THE AVENUE (Pages 13 - 40)

Report of the Service Lead, Infrastructure, Planning and Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

Friday, 16 August 2019

Director of Legal and Governance

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 6 AUGUST 2019

Present: Councillors Savage (Chair), Coombs, Mitchell (Vice-Chair), Vaughan and Windle

Apologies: Councillors G Galton and L Harris

17. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

The Panel noted the apologies of Councillors L Harris and G Galton.

Councillor Coombs stood down from the role of Vice Chair for the Panel for the Municipal year and the Councillor Mitchell was appointed by the Panel as Vice Chair for the Municipal Year.

18. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Panel meeting on 16 July 2019 be approved and signed as a correct record.

19. **PLANNING APPLICATION - 19/00346/FUL - 128-130 WEST END ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site. Erection of 10 x 3-bed, 2-storey dwellings with accommodation in roof space, in a terrace block of 5, a terrace block of 3 and 2 x semi-detached, with associated car port, parking and cycle/refuse storage, following demolition of existing public house (resubmission 17/00750/FUL)

Alan Lloyd and Michelle Baker (local residents/ objecting), Mark Henson and Councillor Baillie (ward councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer detailed that paragraph 8.7 of the report should be amended to state that regard had been had to Vacant Building Credit as well as the DVS Viability Assessment dated 2 May 2019 when reaching the decision that the scheme can support 1 on-site affordable housing unit.

The Panel discussed the previous use of the site as a public house and noted residents concerns that with the loss of the public house then it reduced the ability of those residents with mobility issues to engage in community activities. The Panel noted information from officers that detailed alternatives within the area and the advice of the Panel's solicitor that regard should be taken to the Public Sector Equality Duty under the Equality Act but, that it should be balanced by the planning issues and noted that the Planning Inspector had given less weight to issues relating to the loss of the public house

In addition the Panel were informed that the conditions would need to be amended to enable the bin storage area to be securely gated and that area of the fencing would be required to be constructed from brick. In addition the Panel were informed of changes that were required to the landscaping condition. Panel members requested that the conditions be amended to make note of the requirement for a permeable surface for the car parking areas, details as set out below.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendation to delegate authority to the Service Lead: Infrastructure, Planning and Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel:

- (i) Confirmed the Habitats Regulation Assessment set out in Appendix 2 of the report.
- (ii) Delegated authority to the Service Lead 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:
 - a. 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);
 - b. 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.
 - c. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010;
 - d. Employment and Skills Plan to secure training and employment initiatives.
 - e. The provision of one on-site affordable housing unit based on the DVS Viability Assessment dated 02 May 2019 in accordance with Policies CS15, CS16 & 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).
- (iii) 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 was granted authority 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.
- (iv) That the Service Lead – Infrastructure, Planning and Development be delegated authority to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Amended Condition

- 05. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

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) means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials **including permeable paving rather than tarmac or equivalent**, structures and ancillary objects (refuse bins, lighting columns etc.);
- (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (iii) an accurate plot of all trees to be retained and to be lost. 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);
- (iv) details of any proposed boundary treatment, including retaining walls; and
- (v) a landscape management scheme.

Private rear garden boundaries adjacent to the site access, car parking area and side garden boundary for plot 7 (facing Dean Road) shall comprise brick walls with a minimum height of 1.8m that shall be retained for the lifetime of the scheme. Furthermore secure lockable gates shall be installed to secure the route from the car park to Dean Road bin holding area, with details to be submitted and agreed in writing prior to the commencement of development. The agreed means of enclosure and gated access shall be installed as agreed and thereafter retained.

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.

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.

20. **PLANNING APPLICATION - 19/00950/OUT - HORSESHOE BRIDGE**

The Panel considered the report of the Service Lead, Infrastructure, Planning, and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of 2 x six storey buildings comprising 16 flats (12 x 1bed and 4 x 2 bed) with associated car parking, bin and cycle storage (Outline application all matters for consideration except landscaping)

Steve Lawrence (agent) and Councillor Cooper (ward councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that amendments were required for the conditions, as set out below. It was also explained that condition 14 was no longer required as the officer amendment to conditions and that this could be deleted.

It was explained that the noise condition 05 (Glazing) and 07 (Location of Plan) were subject to ongoing negotiations with the applicants acoustic consultant and the Council's Environmental Health Department to ensure bedrooms adjacent to the railway line receive appropriate ventilation whilst maintaining acoustic performance.

Panel voted to add an additional condition governing the hours of use for the upper floor amenity areas and requested that the conditions be amended to include a permeable surface for the car parking areas and issues relating to the security of the site including gates and CCTV coverage, amended conditions as set out below.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendation to delegate authority to the Service Lead: Infrastructure, Planning and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission.

FOR: Councillors Savage, Coombs, Vaughan and Windle

AGAINST: Councillor Mitchell

RESOLVED that the Panel:

- (i) Confirmed the Habitats Regulation Assessment set out in Appendix 2 of the report.
- (ii) Delegated authority to the Service Lead Infrastructure, Planning, and Development to grant planning permission subject to: the planning conditions recommended at the end of this report; any amended or additional conditions added at the meeting; and the completion of a S.106 Legal Agreement to secure:
 - a. 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);
 - b. 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.
 - c. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

- d. Employment and Skills Plan to secure training and employment initiatives.
 - e. The provision of affordable housing in accordance with Policies CS15, CS16 & 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).
 - f. 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);
- (iii) 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 be delegated authority 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.
 - (iv) 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. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting,
 - (v) that the Service Lead-Infrastructure, Planning & Development be granted authority to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement. In the event that the scheme’s viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

Amended Conditions

1. OUTLINE PERMISSION TIMING CONDITION (PERFORMANCE)

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, 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, 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:
- (ii) The landscaping of the site specifying both the hard, soft treatments and means of enclosures and maintenance. To include permeable paving to the car parking area, an acoustic fence to the boundary adjacent to the railway line and secure gated access to the car park and pedestrian entrance points, to be installed prior to first occupation and thereafter retained. The soft landscaping shall include native species.
- (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 before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

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).

3. AMENITY SPACE ACCESS (PRE-OCCUPATION)

Before the development hereby approved first comes into occupation, the rooftop terraces and pedestrian access to them, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings. The roof top terraces shall not be occupied between the hours of 11pm-7am on any day.

REASON: To ensure the provision of adequate amenity space in association with the approved dwellings. In the interests of the amenities of neighbouring occupiers. In the interests of site security and to provide an acceptable living environment. In the interests of preserving and enhancing biodiversity.

13. PILING (PRE-COMMENCEMENT)

Unless otherwise agreed in writing with the Local Planning Authority, if piling is necessary then auger cast piling shall be used.

REASON: In the interest of residential amenity and to safeguard protected species.

Additional Condition

SECURE BY DESIGN (PERFORMANCE)

The development shall be carried out and retained in accordance with the secure by design measures as set out within drawing no. 0515-01.004.03.

REASONS: In the interests of safety and security

Deleted Condition

14. Ecological Mitigation Statement deleted following consultation with the Council's Ecologist with the piling and landscaping conditions amended to provide safeguards and biodiversity enhancement.

21. **PLANNING APPLICATION - 19/00990/FUL - 8 DEVONSHIRE ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Change of use from a dwelling house (class C3) to flexible dwelling house (class C3) or a house in multiple occupation (HMO, class C4) for up to 5 persons.

Lorraine Barter and Tessa Barratt (local residents/ objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that planning permission be approved subject to the conditions set out within the report.

22. **QUARTERLY DEVELOPMENT MANAGEMENT FIGURES**

The Panel considered and noted the report of the Service Lead - Infrastructure, Planning and Development detailing the Planning Department's performance against key planning metrics.

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INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 27th August 2019 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	AL	DEL	15	18/01532/FUL 73, The Avenue

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Case Officers:

AL – Anna Lee

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning Applications:

Background Papers

1. **Documents specifically related to the application**
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. **Statutory Plans**
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 3 2011-2031
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. **Statutory Plans in Preparation**

4. **Policies and Briefs published and adopted by Southampton City Council**
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (revised 2016)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Cycling Strategy – Cycling Southampton 2017-2027
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (February 2019)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Planning and Rights of Way Panel 27th August 2019
Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: 73 The Avenue, Southampton			
Proposed development: Redevelopment of the site. Demolition of existing buildings and construction of Class A1 foodstore with associated parking, landscaping and access works			
Application number:	18/01532/FUL	Application type:	FUL
Case officer:	Anna Lee	Public speaking time:	15 minutes
Last date for determination:	03.09.2019 (Extension of Time Agreed)	Ward:	Freemantle
Reason for Panel Referral:	More than five letters of objection have been received	Ward Councillors:	Cllr Leggett Cllr Shields Cllr Windle
Applicant: Lidl UK		Agent: RPS Planning & Development	

Recommendation Summary	Delegate to Service Lead – Infrastructure Planning & Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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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, highway safety, residential amenity, impact on the street scene and impact on the adjoining Avenue conservation area 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 27th August 2019. 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 39-42 and 46 of the National Planning Policy Framework (2019). Policies - CS3, CS6, CS7, CS13, CS18, CS19, CS20, CS22, CS24 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, REI4 of the City of Southampton Local Plan Review (Amended 2015), The Avenue Conservation Area Appraisal and Management Plan (November 2013) and National Planning Guidance contained within the National Planning Policy Framework.

Appendix attached			
1	Planning History	2	Highway Comments

Recommendation in Full

1. Delegate to the Service Lead – Infrastructure, Planning & 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 including the provision of a right turn lane and improvements to sustainable travel links to 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, approval and implementation of a Travel Plan.
 - iv. Submission, approval and implementation of a Servicing Management Plan including the routing of HGVs that service the store.
 - v. Submission, approval and implementation of a Construction Management Plan.
 - vi. Submission, approval and implementation of a Site Waste Management Plan.
 - vii. Submission of a Training & Employment Management 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).
 - viii. 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. That the Service Lead – Infrastructure, Planning & Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
3. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. **The site and its context**

- 1.1 The site is located on a prominent corner position at the junction of Hulse Road and Banister Road, close to the junction with The Avenue, which is a well-trafficked junction on an approach to the city centre. The site is currently vacant

but previously comprised the Jaguar car showroom and its associated external vehicle display areas and workshop to the north of the site. The site is almost entirely covered with buildings and hardstanding and benefits from consent to demolish the existing buildings (reference 19/00791/DPA).

- 1.2 To the east, at 73 The Avenue, is the Land Rover car showroom, which is also vacant but mainly falls outside of this application site, with the exception of a servicing area to the west of the building. The application site also includes part of the Banister Road public highway in order to deliver highway improvements to facilitate the development. This is discussed in more detail in section 2 of this report, below. The site is currently served by three points of vehicle access; one from Hulse Road and two from Banister road
- 1.3 A small part of the site, adjacent to 73 The Avenue, lies within The Avenue Conservation Area. The site lies within a mixed use area with residential and commercial uses. There are residential units surrounding the site apart from opposite, on Banister Road, where there are a number of commercial units.

2. Proposal

- 2.1 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 2079 square metres (sq.m) (sales area of 1329 m² sq.m with delivery and storage space, bakery preparation, cool storage and welfare area) together with 115 car parking spaces. This scheme has been amended since submitted, chiefly by relocating the store building closer to the Banister Road frontage, increasing the separation from Forest Lodge to no less than 25 metres (previously between 5 and 11 metre separation was achieved). This has necessitated the relocation of some parking spaces from the Banister Road frontage to adjacent to the northern boundary to the site. The landscape buffer between the store and Hulse Road has also been increased by 1.5 metres to achieve a 6.5 metre separation to Hulse Road. There have also been some design changes to the elevational appearance of the building, including an increase in glazing to the street frontages.
- 2.2 The main entrance to the store is positioned in the south-eastern corner of the building, adjacent to Banister Road. A separate delivery bay is provided within the north elevation of the building. The parking is located to the east and north of the proposed building with a single point of vehicular access from Banister Road, broadly in the same position as the existing. The proposed improvements to the public highway that would facilitate the development include a 3 metre wide right turn facility on Banister Road to accommodate vehicles queuing to enter the store. In total 115 car parking spaces, including 9 parent and child and 6 disabled, are provided. Nine of the spaces are to be secured for the use of the existing property at 73 The Avenue. This unit is currently vacant and options are being looked at for this property in terms of future usage. Any development at 73 The Avenue would be subject to a separate planning application.
- 2.3 The building design is fairly typical of a modern food store of this nature, comprising a large rectangular building with largely red brick elevations and pitched roof. At its highest point the development is 9.7 metres high but averages between 5.9 and 7 metres high. Silver colour cladding will be used for the soffits, fascia and a metal profiled roof. The elevation fronting Hulse Road

has high level windows and two sections of full height glazing as well as brick detailing with protruding columns to add articulation. Glazing is also proposed along the frontage to Banister Road together with the first section of the elevation facing the Avenue properties to provide the entrance. A projecting canopy is proposed to the elevation fronting Banister Road.

- 2.4 The landscape strip between the store and Hulse Road includes nine new trees. Additional trees are also proposed along the shared boundary with Forest Lodge and one adjacent to the access. The number of trees to be planted has increased from 14 to 20, when compared with the initial scheme, and an increase in soft landscaping has also been provided. The proposed trees include a mix of Hornbeam, pear tree, evergreen oak and small leaved lime. The development includes further soft landscape beds adjacent to the eastern site boundary.
- 2.5 The proposed store would provide an equivalent of 23 full time jobs. The hours of opening sought are 7.00 am to 22.00 pm Monday and Saturday and 10.00am to 17.00 pm or 11.00 to 17.00 pm Sundays and bank holidays.

3. Relevant Planning Policy

- 3.1 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) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**. The site is not allocated for development within the Development Plan. It lies within a Medium Public Transport Accessibility Area. The site lies outside of a designated retail centre where the policies of the Development Plan seeks to locate new retail facilities. This is discussed in more detail in section 6 of this report.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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 There have been many applications at the site but none are directly relevant to this proposal. However, they do demonstrate that the site has been used for commercial purposes since at least the 1960s. An aerial photo taken in the 1940s shows that commercial buildings covered the majority of the site.
- 4.2 The earliest change of use application recorded was for change from filling station to open air car sales display under planning permission 1375/P15 was approved on 24.06.1969. A further approval (1562/M19) for use as body shop and extension was approved on 06.11.1979. The latest buildings on site were

approved under permission 970599/W. This sought approval for the re-development to provide two two-storey showrooms, workshop associated offices car parking and external car display areas was approved on 22.06.1998. In May of this year, prior approval was granted for the demolition of the existing buildings on the (reference 19/00791/DPA).

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 (**31.08.2018**) and erecting a site notice (**24.08.2018**). The neighbours were notified of the amended plans on **11.07.2018** and were given two weeks to comment. At the time of writing the report a total number of **31** representations have been received from surrounding residents, 22 of which are objections. A further six comments (one of support) were received during the consultation period for the amended plans. The following is a summary of the points raised:

5.2 **Concern with the access into the development and the impact that this would have on road safety and congestion in the area for other road users, including cyclists.**

Response

As set out above, the proposed access to the store is in a similar location to the existing two vehicular access points from Banister Road. The proposed access arrangements to the development include the required visibility splays and the provision of a right-turn lane on Banister Road to accommodate the anticipated traffic, including HGVs, queuing to enter the store. This right-turn facility has been designed having regard to existing peak traffic flows and queues in this location. The development is designed to accommodate HGVs to service the store with the necessary on site turning for these vehicles. The safe routing of HGVs to and from the site has been considered, at this stage, and would be secured through the section 106 legal agreement (see recommendation 1(iv) above). As such, the Council's Highway Engineer has raised no objection to the scheme in this respect (please refer to full comments provided in **Appendix 2**).

5.3 **The development is heavily dependent on car drivers and is, therefore, unsustainable. The existing cycle and pedestrian infrastructure in the area is poor, which would be exacerbated by the development.**

Response

The development would be served by the maximum number of car parking spaces permitted by the Council's adopted car parking standards Supplementary Planning Document. The store is designed with the entrance located adjacent to Banister Road frontage to make access by cycles and pedestrian convenient. The development also makes provision for short-stay cycle parking which is located in a convenient and safe location, to the front of the store, under the canopy. Staff cycle and changing facilities will also be provided. Furthermore, recommendation 1(i) above, seeks to secure further improvements to sustainable travel opportunities to and from the site. As such, it is considered that the proposal strikes an appropriate balance between realistically meeting its travel demands and catering for and promoting more sustainable forms of travel.

5.4 **The deliveries to Lidl and the Vauxhall garage should not be at the same time**

Response

The historic use of the site is for car sales, which would also involve large delivery vehicles servicing the site. The Council have no control over the timing of deliveries to adjacent sites, including the Vauxhall garage, due to their historic nature. However, as noted, the proposed development is designed with a servicing bay and the required on-site turning for an HGV. In addition to this, the right-turn lane into the site will accommodate an HGV waiting to turn into the site. As such, it is considered that the proposal would not result in a conflict with the servicing of other commercial uses in the area.

5.5 Concerned about the potential air pollution impact and that electric charging points should be provided

Response

The site does not lie within a defined Air Quality Management Area (AQMA) however, the site is located within a sustainable location accessible by sustainable modes of transport including walking and by bus. A workplace travel plan will be secured through the section 106 legal agreement which promotes sustainable travel for staff (see recommendation 1 (iii)). As noted, recommendation 1(i) also looks to secure improvements that promote sustainable travel to and from the development. 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. A condition is recommended to secure the provision of electric car charging points (see condition 24).

5.6 The supermarket is not needed due to the other Lidl stores in Southampton and a similar store in close proximity. This is not the right location for a Lidl.

Response

When assessing new retail proposals, there is no policy requirement to demonstrate the need for the proposed development. The required policy tests are whether there are any other suitable sites available within or adjacent to designated centres and whether the proposal would have a harmful impact on the viability of nearby centres. A sequential assessment and impact assessment have been submitted with the application and the Council's Planning Policy Team raise no objection to a food retail development of the scale proposed in this location.

5.7 Other development options for the site would be preferable such as for housing, a smaller store, mixed use development.

Response

The site is not allocated for housing or an alternative use and, as such, there is no policy requirement for an alternative form of development to be provided. The Council can only assess the application before them. The principle of development is discussed, in full, in section 6, below.

5.8 Insufficient consultation

Response

With respect to notifying/advertising planning applications the regulations require Local Authority's to undertake the following notification for major applications;

- Notify via letters all adjoining landowners – those who share a common boundary or
- Place an advertisement in the paper and

- Erect a site notice

In this instance, all these notifications were undertaken, including writing to 173 local residents. This exceeds the regulation requirements. Furthermore, Lidl undertook their own public consultation ahead of the planning application being lodged.

5.9 Insufficient details about the retained part of the site

Response

There are no proposals, as yet, for the former Land Rover sales site at 73 The Avenue. However, conditions 5 and 6 are suggested to secure parking and access

For 73 The Avenue to ensure the future development of this site is not prejudiced by this application proposal.

5.10 Delivery times should be restricted to reduce the impact on Forest Lodge

Response

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

5.11 Poor design due to the Hulse Road elevation design. More landscaping should be provided and brick should not be used.

Response

As set out above, the scheme has been amended since first submitted to improve the appearance of the Hulse Road elevation. The nature of a supermarket use means that the building will inevitably have a number of blank elevations. The re-siting of the store more forward fronting Banister Road minimises the impact on neighbouring residents of Forest Lodge. The current position of the store, therefore, represents the optimum location on the site.

The Hulse Road elevation has been amended to provide more glazing, tree and shrub planting 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/commercial building of this nature is not unusual within a location such as this and, on balance, is considered to be acceptable.

Brick is the correct design response for the elevation treatment of the development and respects the existing character of the area.

Notwithstanding the improvements in soft landscaping that have already been secured, it is agreed that further landscaping and planting would assist in screening the car parking and ensuring the development better integrates into the context.

Consultation Responses

5.12 SCC Highways: No objection following amendments

The level of impact is not considered to be detrimentally harmful with the suggested measures provided including a right turn lane and mitigation measures to be secured via the S106 legal agreement. The full comments from the Highway Engineer are included as **Appendix 2**. It should be noted that further information and changes have been received since these comments were

originally received to address the points raised in the response.

5.13 SCC Policy: No objection

The sequential approach methodology is reasonable. Their assessment shows the largest impacts to be on:

- Lidl, Shirley – 9.5%
- Lidl, Southampton city centre – 9.1%
- Aldi, Bevois Valley – 14.4%

This is reasonable given these are also discount operators in direct competition with this store. Officers recognise that these impacts assume these stores are trading at company average rates. Whilst it is always difficult to judge actual turnovers, they have provided a reasonable assessment as to why the stores in Southampton west are likely to be trading above company averages by a total of around £38 million. This is a significant figure even when pro-rated down to individual stores. Lidl are actively investing in their Shirley facility; their city centre store is in a strong regional centre; and Lidl state that their Banister Road proposal is in parallel to these stores. These factors combined with the likely extent of over trading gives confidence that these stores / centres will be resilient to the new proposal.

The Aldi is the closest existing discounter with the largest predicted impact. It also very significantly underpins the Bevois Valley Centre. They explain that using Aldi's figures the impact (if against company average) may reduce from 14.4% to 10.9%. However, the potential for significant overtrading as set out above could mean the store proves resilient. Furthermore the general growth in popularity of discounters and the location of the store on a busy through road should help. The reduction in custom may reduce linked trips to other local stores in the centre to some extent, although not all trips are linked and these local stores also benefit from passing traffic and a high density population / employment catchment area.

There are risks in relation to the Bevois Valley centre, although on balance for the above reasons the policy team are willing to withdraw my holding objection. The proposed store needs to be conditioned to the net sales area set out in the retail assessment.

5.14 SCC Design: No objection

Since there is no policy objection to the proposed use, there will inevitably be aspects of blank frontage to the street. Different design options have presented operational difficulties for the applicant. Suggest that further improvements to the landscaping is required include further tree planting to Banister Road, other large broadleaf trees to Hulse Road together with greater and more naturalistic tree planting.

***Officer comment** – The applicant is aware of the landscaping concerns and is reworking the landscaping scheme. Any updates will be given at the meeting. With respect to the use of the retained element, the proposed parking spaces will be secured as well as the access to them during their operational times.*

5.15 SCC Archaeology: No objection

Undisturbed archaeological deposits may survive in places and the underlying

natural river terrace gravels will still be present on the site. An archaeological investigation will be needed to mitigate the threat to these deposits posed by the development. The investigation should consist of an archaeological watching brief on groundworks on certain restricted areas of the site, yet to be determined. In addition, opportunities should be sought during demolition and/or construction to carry out a geo-archaeological investigation of river terrace deposits exposed in deeper holes, in order to record the stratigraphy, obtain environmental evidence, and look for hand axes. Therefore conditions are requested that provide an Archaeological investigation and Archaeological work programme.

5.16 **SCC Sustainability Team: No objection**

The pre-assessment estimator demonstrates that BREEAM Excellent can be met. The energy strategy has not been set out at this stage, and it is recommended that this is submitted prior to approval. However, if the case officer is minded to approve the application conditions to secure BREEAM standards are recommended.

5.17 **SCC Environmental Health (Pollution & Safety): No objection**

The submitted lighting and noise information is acceptable subject to the scheme and proposed mitigation measures being implemented.

Conditions – Recommend that the following conditions are applied;

- restrict noise from the proposed plant and machinery;
- secure the noise mitigation measures, including acoustic louvres;
- require full details of the proposed acoustic fence in line with the specification detailed in the Noise Impact Assessment by Acoustic Consultants Ltd;
- secure all the recommendations made by the Acoustic Consultants;
- restrict Trading Hours; and
- secure a Construction Environment Management plan is requested.

5.18 **SCC Environmental Health (Contaminated Land): No objection**

No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.

5.19 **SCC Trees: No objection**

The majority of trees are off-site and will largely be unaffected by the proposals. No major concern with the removal of T11 x 3 Sorbus aucuparia, these are all small trees with little to no amenity value and the 20 new trees on the landscape plan more than satisfies the requirement for 2:1 replanting.

The restoration of hardstanding to soft landscaping is welcomed. The following conditions are suggested;

- Arboricultural Method Statement; and
- No storage under tree canopy

5.20 **SCC Ecology: No objection** subject to conditions to secure an Ecological Mitigation and secure an appropriate lighting design to minimise disturbance on potential foraging bats in the area.

5.26 **SCC Conservation: No objection**

- 5.26.1 This site is on a prominent junction in the Avenue Conservation Area. The existing site is occupied by a car showroom which appears to have been purpose built with part of the character of the conservation area in mind closest to the junction with The Avenue, whilst the adjoining site to the west on Banister Road is of a clearly contemporary design and of completely different character to that on the Avenue end.
- 5.26.2 The existing building to be retained on The Avenue exhibits architectural elements of the surrounding buildings which make the area distinctive. These are the use of significant gable features with deep overhangs, barge boards, the use of natural slate roofs and red brick. Although the use of the building is clearly as a showroom and the building is clearly contemporary, it sits relatively harmoniously with other typical buildings on The Avenue and especially on this junction. Its retention within this redevelopment is to be supported but the loss of a small portion of this modern structure is not considered harmful to the character of the conservation area.
- 5.26.3 The proposed new store will take the place of the more contemporary showroom and workshops. In principle, despite being within the conservation area, this is acceptable but the design issues are key to the successful incorporation of the new building and use into the conservation area. The building is to be constructed of red brick. This needs to closely match the prevalent red brick in the area. A condition is required to ensure this happens. The proposed building largely faces into the site towards the east and north sides but has its main windows and entrance clearly accessed from Banister Road on the south side. This has some benefits in that it creates an active frontage, but all the paraphernalia of the shop entrance including parking, signage and lighting as well as inevitable posters in the window, will be distracting and unattractive on the street scene. This might be considered as marginally worse than the existing situation as there is more likely to be considerable movement of customers involved and there will be inevitable light spillage.
- 5.26.4 The impact on Hulse Road however is much more positive. Although the back of the building will be visible along Hulse Road, it is a tidier, and quieter form of architecture which is likely to be more beneficial to the residential area adjoining. Efforts have been made to provide more interest by adding planting to this elevation. The street frontage should be defined preferably with mass planting to contain and soften the impact of parking. Signage and lighting should be carefully controlled to reduce the impact on the character of the conservation area. This could be controlled by condition. If so, the benefits of this proposal over the existing building and use could be considered as marginally beneficial to the conservation area and therefore conforms to Core Strategy Policy CS13 – Fundamentals of Design, and Policies HE1 – Development in conservation Areas and HE2 – Demolition in Conservation Areas.
- 5.27 **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.
- 5.28 **Outer Avenue Residents Association - Objection**
This is already a busy traffic area leading to high pollution levels as measured

during the year. Access to this proposed development is likely to have a significant knock on effect for traffic congestion

6. Planning Consideration Key Issues

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

- Principle of development;
- Design and effect on character including the effect on the Conservation Area;
- Residential amenity;
- Highway impact and parking and;
- Development mitigation.

6.2 Principle of development

6.2.1 The National Planning Policy Framework (NPPF) and LDF Core Strategy Policy CS3 guides new commercial developments to designated retail centre locations (City, Town, District or Local Centres). As such, the principle of development is not automatically acceptable. If, however, there are no sites available within designated centres, the policies require that retail uses are located first to edge-of-centre locations and, if none are available, out-of-centre sites can then be considered (the sequential approach). In addition to this, out-of-centre retail should not have a significant adverse impact on existing centres.

6.2.2 A Sequential Test and Retail Impact Assessment were submitted with the application to address this policy requirement. The sequential test concluded that there are no suitable sites available within or immediately adjoining any existing centres in this part of Southampton. In addition to this, the Retail Impact Assessment concluded that there would be '*no significant adverse impact on the vitality or viability of any defined retail centre.*' This view is supported by the Council's Planning Policy team.

6.2.3 In addition to this, the NPPF confirms that when considering out-of-centre proposals, preference should be given to accessible sites which are well-connected to the town-centre. The application site is within 500 metres of the city centre and within walking distance to the bus links to and from the city centre available on The Avenue and so fulfils this requirement. The development will provide regeneration benefits for the area, an improved food offer for local residents and additional job opportunities, which are welcomed. Furthermore, bringing a prominent, vacant commercial site back into an employment generating use is welcome. The principle of development is, therefore, considered to be acceptable.

6.3 Design and effect on character

6.3.1 The proposed building is single-storey and at its highest point 9.7 metres but on average is approximately 7 metres high 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 mixed use location. The main material for this building is red brick which is consistent with the surrounding area. Overall, the height and positioning of the proposed building would not adversely impact on views of the adjoining and adjacent conservation area.

- 6.3.2 The main entrance to the store is located on the corner fronting the retained property at the Avenue and the scheme has been designed to provide full-height glazing to Banister Road together with the initial section of Hulse Road, which provides activity to the streets. The revised location of the store reduces the visual impact of the car parking on the street, bar the view from Banister Road. However, the previous use of the site meant that the frontage was car dominated so this layout is an improvement to the street frontages. This reduction in car dominance is further improved by the landscaping proposed to a site that previously had very little landscaping.
- 6.3.3 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 Hulse Road. The set back of the building from Hulse Road is similar to other building set-backs observed within this street and, with further improvements, the addition of tree planting responds to the Hulse Road character of tree-fronted development. The changes to the scheme ensure that this elevation is camouflaged to a degree by the set back by seven metres and the landscaping proposed within this area. As result of this the new development is not considered to be significantly harmful. Furthermore, the re-location of the store is a necessary design response to previous concerns relating to the impact on Forest Lodge residents.
- 6.3.4 The site partly lies within the Avenue Conservation Area. The statutory test for the proposal, as set out in section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, is whether the proposal would preserve or enhance the character or appearance of the Conservation Area. No objection has been raised by the Council's Historic Environment Consultant on these grounds. As set out above, the development is sympathetic in terms of scale, massing and appearance of the existing commercial buildings on site and adjacent and consistent with building heights in the area. Furthermore, the proposal in terms of materiality and landscaping would be an improvement to the previous buildings/layout of the site. As such, the proposal is considered to preserve its setting and the application is considered to address local and national heritage tests in this respect.
- 6.3.5 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.

6.4 Residential Amenity

- 6.4.1 The scheme has sought to address initial concerns raised with respect to its proximity to the neighbouring residential property at Forest Lodge due to the siting of the loading bay and the elevations proximity. The relocation of the parking from the front of the store to the rear has increased the separation distance and allowed for the provision of further landscaping to further minimise the impact on this property. The distance between the side elevation of Forest Lodge and nearest part of the building (loading bay) is approximately 31 metres. There are residential units at the properties fronting the Avenue but they are a distance away roughly 45 metres away. The flatted development at 23 Hulse Road is located over 21 metres away and are separated by a road. Overall, the development complies with the 21 metre back to back privacy distances and the side to rear privacy distance of 15 metres at a two storey level due to the commercial height of the proposal.

6.4.2 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, delivery times, lighting and management, the proposal is considered acceptable in this respect.

6.5 Highway Safety and Parking

6.5.1 The proposed access design is based upon a detailed Transport Assessment which took into account existing traffic flows and queueing in the area together with the anticipated peak traffic generation in connection with the store. The development can accommodate the HGV movements required to service the store without have a harmful impact on the operation of the adjacent public highway. The access design is supported by the Council's Highway Engineer and, subject to securing the visibility splays and right-turn lane into the site, is considered to be acceptable.

6.5.2 The site lies outside of the city centre High Accessibility Zone and the 115 spaces that would be provided is the maximum number permitted by the Council's adopted Parking Standards Supplementary Planning Document.

6.5.3 There will be an increase in traffic from the development. On balance, the scheme will not result in detrimental harm to the other users of the highway network, neighbouring occupiers in terms of highway safety. Therefore, subject to the mitigation measures set out above, the proposal is acceptable in highway terms.

6.6 Development Mitigation

6.6.1 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 pedestrian and cycle facilities within the vicinity. In addition the scheme triggers the Community Infrastructure Levy (CIL).

7 Summary

7.1 The principle of a new Lidl store is policy compliant and would be a suitable addition to the locale. 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 initial officer concerns in relation to its, design, highway implications and impact on residential amenity and would further mitigate its impact subject to the completion of the S106 legal agreement.

7.2 Since the development does not lead to concerns regarding the vitality and viability of the area nor highway safety issues on balance the scheme is considered to be acceptable.

8. Conclusion

8.1 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) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

ARL for 27/08/19 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. Restriction of net sales area (Performance Condition)

Notwithstanding the approved plans the development hereby approved shall only have a maximum net sales area of 1,329sq.m unless agreed otherwise in writing by the Local Planning Authority

Reason: To prevent effecting the vitality and viability of nearby designated retail centres.

4. Parking (Pre-Use Condition)

The 115 car parking spaces and access shall be provided in accordance with the plans hereby approved before the development first comes into use and thereafter shall be 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 parking retention (Performance Condition)

Unless agreed in writing the nine nearest spaces (highlighted in blue on plan AD 110 - REV M) shall be retained solely for the use in connection with 73 The Avenue.

Reason: To protect the viability of this unit and the character of the conservation area.

6. Access to the site (Performance Condition)

The access hereby approved shall be available for use for both the foodstore and 73 The Avenue during their trading hours (including delivery times) unless agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the viability of the site and to prevent issues of highway safety.

7. 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 allowance 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 and details of a security barrier and subsequent management to prevent car park access overnight. 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.

8. 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.

9. 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.

Reason: In the interest of pedestrian and highway safety.

10. 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. 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.

11. 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.

12. 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.

13. 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 Banister Road and Hulse Road and the high-level windows to Hulse 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

14. 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. Revised specification of the trees to be planted providing native trees where appropriate and an increase in tree planting to the Banister Road and Hulse Road frontages of the development;
- iii. 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);
- iv. Details of all hardstanding;
- v. details of any proposed boundary treatment, including retaining walls and;
- vi. a landscape management scheme including an automated irrigation scheme or similar to maintain the vegetation on site.

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 Hulse 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

11. Arboricultural Method Statement (Performance Condition)

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement including the tree protection measures throughout the duration of the demolition and development works on site. Close attention must be paid to sections 5.6, 6.6, 6.7 and 6.8 involving work within the RPAs of trees and in close proximity to tree canopies.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

12. 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.

13. Ecological Mitigation Statement (Pre-Commencement Condition)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the agreed programme before any demolition work or site clearance takes place.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

14. 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

15. 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

16. 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.

17. 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

18. 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 (March 2015).

19. 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 report 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 (March 2015).

20. Electric Vehicle Charging Points (Pre-Commencement Condition)

A feasibility study for electric vehicle charging points shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for electric vehicle charging points, a specification shall be agreed in writing with the Local Planning Authority. Electric vehicle charging points to the approved specification shall be installed and rendered fully operational prior to the first operation of the development hereby granted consent and retained and maintained thereafter.

Reason: To combat the effects of climate change and reduce the emission of pollutants in accordance with policy CS20

21. Archaeological 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.

22. Archaeological 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

23. Control of noise (Performance Condition)

Before the development is occupied the noise mitigation measures shall be provided in accordance with the submitted Noise Impact Assessment by Acoustic Consultants Ltd, dated 1st August 2018, Reference: 6969/BL. This includes no deviation from the proposed plant specification, the setting of noise levels (See Section 6.1); installation of acoustic louvres (See Section 6.3) and the installation of an acoustic fence (See Section 7.3) unless agreed otherwise in writing by the Local Planning Authority. The measures shall thereafter be retained as approved whilst the foodstore is in operation.

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

24. Details of the acoustic fencing (Pre-Commencement Condition)

Prior to the commencement of the development hereby approved, details of the acoustic fence, as specified in the Noise Impact Assessment, shall be submitted to and approved by the Local Planning Authority in writing. The acoustic fence shall be provided in accordance with the agreed details before the use first commences and thereafter retained as approved whilst the foodstore is in operation.

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

25. 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.

26. 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.

27. 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.

28. 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.

29. 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).

30. 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.

31. 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.

32. Hours of Use & Delivery (Performance Condition)

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

- 7am and 10pm (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 (Monday-Saturday)
- 8:30am and 8pm (Sundays and recognised public holidays)

Reason: In the interests of existing and proposed residential amenity

33. 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.

34. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

POLICY CONTEXT

Core Strategy - (January 2010 – Amended 2015)

CS3- Promoting Successful Places
CS6- Economic Growth
CS7- Safeguarding Employment Sites
CS13- Fundamentals of Design
CS14-Historic Environment
CS18-Transport: Reduce-Manage-Invest
CS19- Car & Cycle Parking
CS20- Tackling and Adapting to Climate Change
CS22- Promoting Biodiversity and Protecting Habitats
CS24- Access to Jobs
CS25- The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006 - Amended 2015)

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
SDP14- Renewable Energy
SDP15- Air Quality
SDP16- Noise
SDP17- Lighting
SDP22- Contaminated Land
SDP23- Unstable Land
SDP24- Advertisements
HE1- New Development in Conservation Areas
HE2- Demolition in Conservation Areas
HE6- Archaeological Remains
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 (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Highway Engineer Response

1. **Location and Access**

The site is situated just outside the city centre boundary and the main vehicular access fronts onto Banister Road which is a popular link road connecting traffic from the Portswood direction. The access is existing but is notated that it will be adjusted to suit design standards and to highway consultant's design. The proposal of a right turn lane will aid in right turn movements into the site without affecting the Westbound lane. The length of this right turn lane could accommodate roughly 5 to possibly 6 vehicles if vehicles leaves little gap between them. With the addition of keep clear markings at the access, this should be able to accommodate the additional movements without severely impacting the Westbound lane.

2. **Parking**

The parking quantum is just over the maximum parking standards and should be revised to meet these standards in order to comply with Policy. Disabled bays should be a portion of the maximum standard (118 spaces) and not additional spaces on top of that figure. Charging facilities should be made for electric vehicles. There are a number of parking spaces which is 'potentially' reserved for the adjacent site (currently Land Rover) but it is unclear in terms of process how this is ensured and what impact this has on the adjacent unit.

3. **Adjacent Site**

The adjacent unit is a car sales which will naturally require a number of parking spaces. It is not clear how this unit will operate and how this application will be securing parking for this future site. It is assumed that the unit will no longer be able to function as a car sales and it is assumed it will be vacant once this proposed development gets implemented. Clarity will need to be made in this matter, as this unit would have an impact on this site as they share the same access and whether the proposed development could prejudice this adjacent unit.

4. **Trip Assessment**

Regarding the sensitivity tests, it looks at the scenario whereby trips are travelling from the north. The impact from these trips are solely tested assuming they will travel pass the site and go around the road system and turning left into Banister Road. However, in reality, a good portion of these vehicles would simply turn right at Northlands Road. Based solely on the additional information on the junction assessment of Northlands Road/The Avenue, it is considered to be acceptable with no significant impact.

5. **Trip Distribution**

It is noted that in the distribution diagrams, it shows that inbound trips are spread evenly – which is considered acceptable. However, the outbound trips have a 75% ratio turning left out of the site access which does not reflect the inbound trips.

6. **Other Matters**

There are plans to improve cycle facilities and network in the local area. The imminent project involves the Avenue but future plans would then extend from

this. Banister Road is a crucial route to be included but due to the introduction of the right turn lane as part of this proposal, it would reduce the likelihood or at least the amount of highway that can be used to provide such links. As the right turn lane would be vital for this scheme to work, the obvious solution would be for some land offering along the Banister frontage to enable a (minimum) 3m wide footway to be used as a shared footway/cycleway which would link up with the existing one around the corner on the Avenue.

This land offering would also help secure sufficient sightlines for the access. Furthermore, there are a larger scheme along the Avenue which the scheme would need to contribute towards in order to help encourage sustainable travel to and from the site as well as for the public. Detailed plans are still being developed but this could be addressed via a Section 106 contribution.

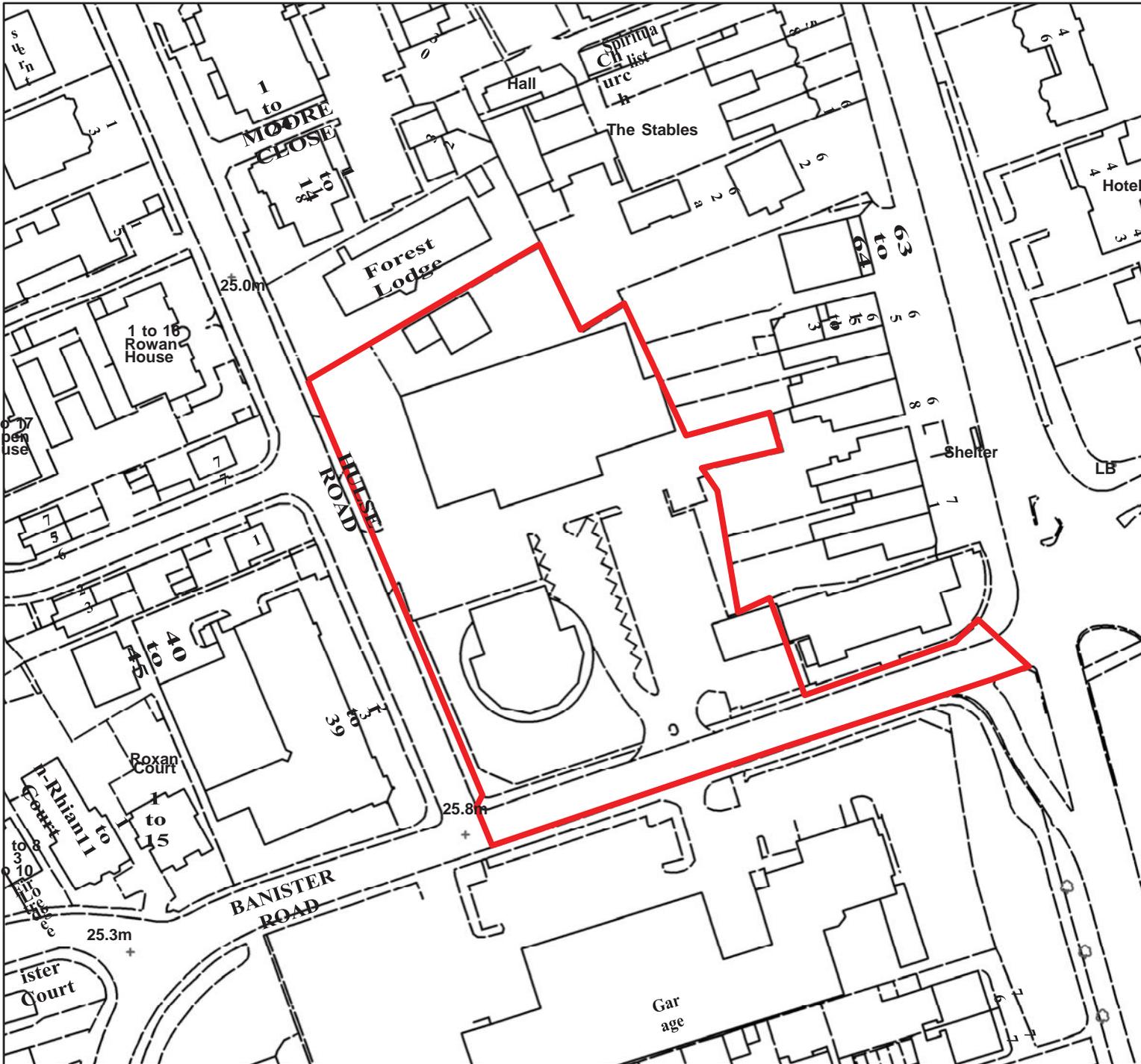
7. **Summary**

The proposed development will generate additional trips which the initial impression can be accommodated subject to various mitigation measures such as the introduction of a right turn lane as well as other contributions towards sustainable travel in the area. This would be subject to the above concerns and additional issues being addressed first however.

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Appendix 1



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