

Planning and Rights of Way Panel 3rd October 2017
Planning Application Report of the Service Lead - Infrastructure, Planning and Development

Application address:
Former Local Housing Office Site, Portsmouth Road, Southampton

Proposed development:
Erection of a 3-storey building including basement for use as fast food restaurant with drive thru, landscaping, parking, cycle storage and associated works, following demolition of existing building.

Application number	17/00853/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	5 minutes
Last date for determination:	20.09.2017 (Extension of Time Agreed)	Ward	Peartree

Reason for Panel Referral:	More than 5 letters received from local residents	Ward Councillors	Cllr Houghton, Cllr Keogh and Cllr Lewzey
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Applicant: McDonald's Restaurant Ltd	Agent: Planware Ltd
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Recommendation Summary	Delegate to Service Lead - Infrastructure, Planning and 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 Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including impact on neighbouring amenity, design, tree impacts, character and highway safety 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 3rd October 2017. The scheme is judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). "Saved" Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, CLT15, H2, REI5 and REI7 of the Local Development Framework Core Strategy Development Plan Document (March 2015) Policies – CS3, CS6, CS13, CS16, CS18, CS19, CS20, CS22 and CS25 of the City of Southampton Local Plan Review (March 2015).

Appendix attached		
1	Development Plan Policies	

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission, subject to the planning conditions recommended at the end of this report and to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site (listed later in this report), including any necessary Traffic Regulation Orders to facilitate any changes, 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 that any damage to the adjacent highway network attributable to the construction process is repaired by the developer;
 - iii. Submission and implementation of a Staff Travel Plan.
 - iv. Submission and implementation of a Servicing and Waste Management Plan.
 - v. 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).
 - vi. Financial contributions to tree replacement off-site and the submission of a tree replacement plan.
 - viii. Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners, with contributions towards community safety associated with the needs of the late night commercial uses;
2. In the event that the S.106 legal agreement is not completed within three months of the decision of the Planning and Rights of Way Panel, the Service Lead - Infrastructure, Planning and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
3. That the Service Lead - Infrastructure, Planning and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1.0 The site and its context

- 1.1 The site comprises a former public car park that has been closed for just over a year and the former Local Authority Housing office, all of which are accessed from Portsmouth Road. The Toll Bridge Office does not form part of this application and lies outside the red line. The site is located adjacent to the Itchen Bridge Toll Booths and beyond is the grade II listed Woolston Station. It

is bounded by hedges and mature tree planting there are 37 trees on site which are not covered by a Tree Preservation Order (TPO) but as they are on Council land are protected in the same manner. They provide screening and amenity value around the existing car park and buildings. Although, mainly a flat site, the land level gradually rises in height towards the roundabout with Manor Road South. The site is surrounded on all sides by roads including the access road to the Itchen Bridge to the north and to the west of the site is a busy bus interchange that serves Woolston.

- 1.2 The site lies within the defined Woolston District Centre and the main retail area lies just to the south of the site along Victoria Road. Therefore the surrounding area has a mixed commercial and residential character and is typically comprised of two-storey terraced buildings. The former library and neighbouring property along Oak Road are within the extended Old Woolston Conservation Area (1) from which the site is physically and visually separate. The site is currently owned by Southampton City Council but subject to planning permission the site is to be sold to McDonald's.

2.0 Proposal

- 2.1 The planning system deals with land use and in this case the Panel are being asked to consider the merits of a new restaurant with drive-thru. The proposal seeks to redevelop the site for a McDonald's utilising the existing vehicular access from Portsmouth Road. The end user is not a relevant consideration. The proposed hours of opening as submitted as part of the application are 24 hours/day, seven days a week but a condition is recommended to restrict the hours from 6.00 am to Midnight which has been agreed by McDonald's. The restaurant is to be two-storey in height and 490 sq.m in floor area with a basement. The building will be used for the sale of food and drink for consumption on and off the premises. There is a large car park to serve the use. A total of 38 parking spaces including 2 reserve spaces for drive thru customers, and 2 accessible bays for disabled customers are proposed. The car park circulates clockwise to serve the car park and access the drive thru. A pedestrian crossing is proposed to connect the development with other existing services within the District Centre. The provision of the crossing will be secured via the Section 106 legal agreement. A 600mm high timber fence surrounds the site.
- 2.2 The building is located within the eastern part of the site with the drive thru lane wrapping around the building. The car parking area is located on the western half of the site. The materials chosen for the proposed building are a mix of natural stone tiles, walnut cladding, dark grey engineering brick and grey cladding. Within the building the kitchen and chiller area are provided at basement level, a small dining area and service counter are at ground floor and the main restaurant space can be found at first floor.
- 2.3 Twenty-six trees out of the thirty seven trees currently on site are to be removed these comprise of 17 London Planes, 8 Norway Maples and 1 Silver Maple. Hard landscaping areas are to be paved, including tactile pavements at the pedestrian crossing points and railings to protect customers in the patio area from vehicles. Planting is proposed to enhance and soften the relationship between the building and the surrounding area, the provision of planting is to be secured as part of a landscaping condition. Seating and a small play area is

to be provided within a patio area close to the entrance to the restaurant. The main entrance to the restaurant is to the south of the site.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Policy CS3 of the Core Strategy supports the role of District Centre in meeting the week to week needs of the local community. Saved policy RE15 (District Centres) sets out that ground floor A3 uses will be permitted in District Centre locations. Similarly, policy RE17 (Food and Drink Uses) permits A3 uses in District Centre locations providing that suitable conditions are used to control the impact on amenity to local residents from disturbance and nuisance caused by cooking odours and noise. Saved policy CLT15 (Night Time Uses in Town, District and Local Centres) of the Local Plan accepts the principle of night-time uses within District Centre Locations.
- 3.4 Saved policy SDP1(i) (Quality of Development) seeks to protect the amenity of local residents, whilst policy SDP16 will not permit noise generating development if it would cause an unacceptable level of noise impact to nearby sensitive noise uses.

4.0 Relevant Planning History

- 4.1 There are no previous planning applications relating to this site. However, there are three advertisement applications that relate to the restaurant which are pending a decision.

17/00854/ADV

Pending

Installation of various illuminated and non-illuminated signs, associated with new fast food restaurant (ref 17/00853/FUL).

17/00855/ADV

Pending

Installation of 1x internally illuminated totem sign, associated with new fast food restaurant (ref 17/00853/FUL).

17/00856/ADV

Pending

Installation of 6x internally illuminated fascia signs, associated with new fast food restaurant (ref 17/00853/FUL)

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (13.06.2017). At the time of writing the report 71 **representations** (62 objections and 9 in support) have been received from surrounding residents/businesses (including comments from Ward Councillor Houghton). The following is a summary of the points raised:

- 5.2 The comments in support relate to the following:
- Suitable location;
 - Improve the design of the area;
 - Provide an alternative eating establishment;
 - Increase activity and attract people to Woolston; and
 - Create jobs.

The objections received set out the following:

5.3 Concern about the hours of opening and noise

Response

The site lies within a defined district centre where late night/early morning disturbance already occurs. No objection has been raised from Environmental Health on these grounds but an objection has been received by Hampshire Constabulary therefore an hours of operation condition is being imposed to reduce the likelihood of anti-social behaviour and noise from the proposed use.

5.4 Impact on highway and congestion

Response

No objection has been raised on highway safety grounds. All development has an impact on the highway network, and so a highway safety improvement package, including improved pedestrian access, is being sought as part of the S106 legal agreement to help mitigate any potential highway safety issues. The proposal uses the existing access (which served a car park) and is located within a District Centre and on this basis it is difficult to conclude that harm will arise from the new restaurant.

5.5 Too many restaurants

Response

The Council's adopted Development Plan policies recognise that food and drink uses can play an important role in maintaining the vitality and viability of retail centres and as such, support them in this location. The adopted Development Plan policies do not set a limit for the number of non-retail uses or food and drink uses within the District Centre nor do they prevent clustering of food and drink establishments. It is important to encourage different uses and users to improve the viability of the area. The use complies with the 'saved' policy RE15 of the adopted Local Plan and policy CS3 of the Core strategy where shops, restaurants, takeaways etc... are supported in principle. There is no policy objection to additional restaurants as this becomes an issue for market forces.

5.6 Detract from the character of Woolston

Response

The site is currently vacant and, therefore, the proposal to bring the site back into use is positive. The existing building on site is not attractive and therefore its loss is not harmful. The redevelopment of the site would not harm Woolston as it would add to the vitality of the district centre.

5.7 Insufficient parking and loss of public car park.

Response

The number of parking spaces proposed exceeds the maximum standards and no objection is raised by Highway Officers. As it lies within the district centre customers will visit on foot and by bus as well as by car to use the drive thru so the parking is deemed sufficient for the size of the use. The public car park has been closed for a year and officers are not aware of any ongoing parking issues. Additional public parking existing elsewhere in Woolston both nearby and at Centenary Quay. If the Council is concerned about parking in Woolston it could have kept the car park open rather than market it for redevelopment.

5.8 The Council should be promoting healthy eating

Response

Although the Council and Government encourage healthy eating there are no policies preventing a restaurant/takeaway within district centres. In fact the opposite applies in planning policy terms. The Council has to assess planning applications on relevant policies and there are no policies preventing this use.

5.9 Unsuitable location

Response

The site lies within a district centre where the proposed use complies with policy. It is a sustainable location in terms of walking and connection with public transport. Furthermore, no objection has been raised on highway safety grounds.

5.10 Rubbish and litter will result from the restaurant

Response

There is no objection from Environmental Health on these grounds. This issue can be controlled by the provision of litter bins, which are to be secured by condition.

5.11 Consultation Responses

5.12 SCC Highway Development Management: No objection

Highway Development Management raise no objection to the proposal subject to obligations required via the S106 process being agreed and the following conditions:

1. The internal circulation route, car parking and all signage and lining shall be provided prior to occupation.
2. The vehicular access to the site shall be constructed to heavy duty specification to withstand overrunning of the delivery vehicles.
3. Deliveries shall be made avoiding peak restaurant and peak congestion times, avoiding 7.30-9.30am, 12-1.30pm and 4-6.30pm.
4. The delivery management plan shall be agreed prior to commencement of development.
5. A construction management plan shall be agreed prior to commencement of development.
6. No surface water from the site shall drain out onto the highway.

7. The sight lines as shown on the approved plan shall be provided prior to occupation

5.13 **SCC Ecologist – No objection**

The application site consists of hard-standing, trees and shrubs and a small building. The hard-standing and building have negligible intrinsic biodiversity value whilst the building is in good condition with no obvious access points for bats. The trees and shrubs, which are located around the perimeter of the site, have the potential to support nesting birds however, bat foraging activity is likely to be very low due to the high levels of night-time illumination.

The majority of the trees and shrubs are shown to be retained within the new development and consequently ecological impacts are unlikely. Should any trees or shrubs need to be removed this should be undertaken outside the bird nesting season which runs from March to August inclusive. Therefore the Council's Ecologist has no objection to the proposed development subject to a condition relating to the protection of nesting birds.

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

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

5.15 **SCC Environmental Health (Pollution & Safety) – No objection**

Following a perusal of the associated documents the Environmental Health Team (EH) can comment as follows:

1. EH are supportive of the Construction Management Plan which when implemented should protect local residents from any potential noise and dust issues during the construction phase of the planned development.

2. Mention is made of odour and noise control in the application and in order to ensure that detailed bespoke odour/noise control schemes are implemented we would recommend conditions relating to noise plant and machinery and ventilation extraction

3. There are no objections to the proposed customer opening times. Due to the location of the store, with no residential properties in relatively close proximity to the proposed restaurant (also it is surrounded by roads) EH are not in a position to object to 24 hr opening on noise grounds.

4. EH are supportive of the Delivery Management Plan.

5. The proposed refuse and litter control management plan is acceptable.

5.16 **SCC Design – No objection**

The Design Officer doesn't have any issues with the building or the site furniture. The main concern is with the boundary around the site, there is an existing screen planted corner to the development. This should be recreated as the space between the edge of the site and the retaining wall is sufficient to re-establish a landscaped boundary. A number of the proposed new trees should be semi mature material to give some instant impact, other trees should be extra heavy standards.

Officer comment – a tailored landscaping condition is suggested to request the provision of semi-mature trees due to the loss of the existing trees on site.

5.17 SCC Tree – No objection

The proposal to construct a business unit in the location given will not impact the retained trees on site, therefore this causes no concern in relation to trees.

The area of concern was in relation to the proposed retaining wall by the trees on the southern aspect of the site, therefore further information was required to demonstrate that the ground beneath the existing carpark lacks significant roots. Further investigations were undertaken and Tree Officers were present to inspect the pits that were air-spaded. No significant roots were encountered, therefore it was agreed that work in the areas within the theoretical root protection area is extremely unlikely to have a significant impact to the retained trees. As the evidence suggests that there will not be any major roots encountered beneath the carpark, it is considered that the construction of the wall will not be of detriment to the nearby trees, therefore the Tree Officer has no objection to this part of the application.

The Hayden's Arboricultural Report (Ref 4307, dated 05.07.17) outlines the location and specification of the tree protective fencing. Due to the site conditions, the root morphology has been altered by the kerb line, therefore the fencing could follow the line of the kerb to protect the Root Protection Area (RPA), however, the overhanging canopy may be an issue with larger vehicles of material deliveries to site, therefore information on how damage will be prevented to the canopy extending past the fence line will be required.

The trees that are being removed are agreed due to their poor form and health. Therefore officers wish for detailed information as to how the areas that are to be replanted, will be improved to give the replacement trees a suitable area to attain good healthy growth. A planting pit in these areas will not be suitable, therefore the whole area where planting will take place will require improvement with good soil volumes.

The Tree Officer requests a revised method statement to be secured as well as the following conditions;

- Landscaping detailed plan
- No storage under tree canopy
- Overhanging tree loss

5.18 Hampshire constabulary (HC) – Objection

Clear evidence shows that this type of venue does tend to lead to relatively high numbers of anti-social behaviour (ASB) and public order (PO) incidents and a considerable number of assaults. Police records for the past 2 years for similar locations at Millbrook, Hedge End, Shirley, Harbour Parade and Totton show (collectively) over 250 reports of ASB and PO incidents and over 80 assaults reported to the Police (other crime types are not included).

This is despite any McDonald's management plan or the efforts of McDonald's staff to tackle situations as they occur. There is nothing to suggest that this location would be any different, particularly as it is located within a high

residential area. HC are concerned with safety aspects due to the lack of secure boundaries adjacent to a roundabout and busy roads which might encourage pedestrians/cyclists to 'short cut' their route rather than use regulated crossing points.

Evidence also shows that where the Play Space incorporates an enclosed structure for young visitors to play and climb in there can be issues with older children (particularly during the evening).

HC consider it is very likely that there will be incidents of crime and anti-social behaviour at the proposed venue which could well affect local residents and visitors alike. Design and security measures to mitigate these issues are limited somewhat. CCTV is already proposed and a secure boundary fence would only address the issue of highway safety.

Taking all this into account, particularly the possible effect on residential amenity, HC would not recommend approval. If however officers are minded to approve the application then HC recommend the inclusion of a secure boundary treatment, comprehensive CCTV coverage of the site and a means of securing access to the play structure after an agreed time.

Officer comment – a condition is suggested to restrict the opening hours from 6.00 to midnight, noting it is a district centre to prevent anti-social behaviour within the early hours of the morning. Conditions relating to CCTV, boundary treatment and restrictions to the outdoor play area are also suggested.

6.0 Planning Consideration Key Issues

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

- Principle of development;
- Design;
- Local Amenity;
- Highway Safety and Parking;
- Landscaping; and
- Development Mitigation

6.2 Principle of development

The site lies within an area of mixed-use with residential and commercial uses within the Woolston District Centre. The three most relevant policies for the district centre and the proposed use are CS3 of the adopted Core Strategy and 'saved' policies REI5 and REI7 of the adopted Local Plan. Policies CS3 and REI5 support the provision of shops and local services within these areas. Woolston district centres serves the east of the city so there is a need for sufficient services to cater for the needs of the residents. Policy REI7 states that conditions should be secured to prevent undue noise, disturbance, odour and litter to prevent harm to the character of the area and residential amenities. Furthermore, saved policy CLT15 of the Local Plan supports night-time uses in Woolston District Centre. The proposal put forward provides a use that is supported for the location. The redevelopment of the site does result in the loss of 50 car parking spaces but the car park has been closed for some time.

Conditions are recommended at the end of the report that seek to prevent concerns relating to odour and litter. In summary, the proposed use in land use terms is compliant with policy and conditions are suggested to prevent harm to residential amenities and the character of the area.

- 6.2.1 Saved Policy SDP 1 does state that development should only be approved provided it *'does not unacceptably affect the health, safety and amenity of the city and its citizens'*. There is no city-wide planning policy that prevents the provision of takeaways/restaurants close to schools. The Council hopes to implement a policy that restricts the provision of takeaways close to, within 400m, of a secondary school within the new local plan but this cannot be afforded sufficient weight at this time. However, sites within the district centre would be exempt. Therefore in this case due to its district centre location, and as it is not located within 400m of a secondary school, the proposal would comply with the proposed policy (as well as being wholly compliant with the current development plan).
- 6.2.2 Currently the site is vacant previously developed land and, therefore, due to its sustainable location, bringing this site back into use is a positive approach.

6.3 Design

The design and materials chosen for the scheme are acceptable as there is no uniform character to the area. The materials are modern and are sympathetic as they do not detract from the character of the area as they are minimalistic in nature. The materials proposed are stone tiles, walnut cladding, grey engineering brick and grey cladding. The overall height of the building would be 8.7 metres, which is a similar height to a modern two storey house. The height is kept low by the flat roof design approach. The buildings floor area does not take up much of the site as the car parking and circulation areas cover more of the site. This amount of hardstanding highlights how key a strong landscaping design is for this site. The site is very prominent and therefore landscaping, including the retention of the existing tree screen, will soften the harsh appearance of the hardstanding proposed. The City Design Officer supports the scheme and the design is considered to achieve the requirements of LDF Policy CS13.

6.4 Amenity

The site is effectively an island separated from the neighbouring properties by the highway network. This reduces the impact of the proposal on neighbouring residential properties. The impact is further lessened by the dense vegetation boundary that separates Garton Road and Westcliff Mews from the site where many of the nearest residential properties lie. It is noted that there are residential properties above the premises within Portsmouth Road opposite the entrance to the site but they lie within the district centres on a busy road so are already affected by noise from the district centre. The properties on Portsmouth Road lie 23 metres away and the distance between Westcliff Mews and Garton Road from the site is 43 metres and 33 metres respectively. It is noted that late night activity will arise from the proposals, albeit this will not be peak demand and any restaurant would attract similar activity, and the closing of car doors may create a disturbance but these issues have been considered by SCC Environmental Health and no objection is forthcoming,

whilst further information has also been sought.

- 6.4.1 McDonald's have requested a 24 hour/day opening. Officers have been in discussion with the Council's EH team and they have no objection to these proposed hours of trading. McDonald's would require a Premise Licence trading past 23:00hrs and there are review options in place under the Licensing legislation should noise events occur so the hours of trading could be curbed if this were the case. However, an objection has been received by Hampshire Constabulary as they are concerned about late night anti-social behaviour. Therefore, subject to the inclusion of a condition with a terminal hour, the distance from the neighbouring properties and no objection raised from EH the scheme has therefore been assessed as compliant with Local Plan Policy SDP1(i) as it relates to existing neighbouring amenity.

6.5 Highway Safety and Parking

The previous pay and display car park is closed, but in its own right would have generated numbers of turning vehicles at this location. The impact of the loss of the car park has already been accommodated in alternative choices for available car parking. The nearest public car parks are located 100m south in the Colonades off Portsmouth Road or 200m away on Oakbank Road, off Bridge Road. There are also some time limited parking bays on Portsmouth Road, Bridge Road and Victoria Road. Within the Woolston car parks, the maximum permissible free parking is for 5 hours, a limit which has been imposed to prevent commuter parking occurring during the working week. The level of parking proposed is higher than the Council's current parking standards should permit, however, to ensure that the site does not impact upon surrounding parking provision, highway officers consider it appropriate to follow the rationale provided by the applicants as the use proposed is not prescriptively covered by Council policies, and the applicant has understanding of their own demand.

- 6.5.1 McDonald's restaurants do generate trips which invariably increase around meal times. Data obtained from conducting surveys with their customers confirms that a significant proportion of McDonald's customers (between 58 and 62%) are already passing by the site on their normal journey or make only a minor deviation to reach the restaurant. Due to the proximity of other McDonalds outlets in the near vicinity (Hedge End 3.3 miles, West Quay, 1.4 miles, and Western Esplanade 1.7 miles) the catchment area is reasonably local. By using the data above, and subtracting the trips which the car park generated, the additional trips created by the new McDonald's restaurant during the morning peak from 8-9am is 47 (less than 1 vehicle per minute on average), 58 trips in the pm peak and 13 trips during the Saturday lunchtime peak.

5.5.2 The figures below are those used to provide these results:

	Week day 8-9am	week day 5-6pm	Saturday 1-2pm
1.Car Park trips generated (actual observed)	19	40	87
2.McDonalds Trips generated	156	231	263
3.Factored down trips due to already being on the road 58/62 %	66	98	100
Additional trips generated (calculated by Subtracting item 1 from 3)	47	58	13

5.5.3 Concern has been raised that the existing congestion that can be found in the area will worsen. There are proposals that are being put forward by the Council to improve the roundabout capacity on Portsmouth Road by changing the format of the junction, and improving cycle facilities and safety within the junction. Although the new trips created by McDonalds will add to the junction the impact of the numbers is not significant. The proposal will be required to make a contribution to the works set out above as part of the S106 legal agreement. Furthermore, changing the way the toll is taken on the bridge will also speed up the throughput of traffic through this junction, this is currently under review.

5.5.4 Overall, although the proposal will result in an increase in the number of trips it will not detrimentally harm the congestion already found within the area. The current situation would be improved by the provision of the measures set out above (which a contribution from the applicant to provide this is sought) as they should reduce the queuing and congestion currently experienced at peak times in this area.

6.6 Landscaping/trees

The existing site is bounded with trees and shrubs which add to the amenity of the area so it is key that replanting should take place to reduce the harsh appearance of a building in this location. A total of 26 trees will be lost as part of the development. The site is not large enough to provide a two for one replacement on site as required by Council policy so the provision of off-site replacement trees is secured. The replacement trees will need to be secured via the Section 106 legal agreement and be located elsewhere within the locality as set in the above recommendation. However a landscaping condition is proposed to secure the provision of some screening and also to provide semi-mature trees. Subject to the conditions suggested by the Council's Tree Team the proposal will not result in any harm to the character of the area.

6.7 Development Mitigation

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 impacts associated with this development a package of contributions and obligations are proposed as part of the application. The main area of contribution for this development, in order to mitigate against its wider impact, is a contribution sought to aid the provision of highway works to; improve the roundabout capacity, make changes to CCTV

and signage locations, provide a pedestrian crossing on Portsmouth Road and refreshed lining on Portsmouth Road. In addition the scheme triggers the Community Infrastructure Levy (CIL).

7.0 Summary

7.1 Overall the scheme is acceptable as the site lies with a defined district centre and provides a use in compliance with local plan and core strategy policies. The design, layout and legibility with the district centre have been designed to prevent detrimental harm to the character of the area and neighbouring residential amenity. The resulting trips to and from the site are deemed not to result in any further highway safety issues. The proposal is therefore consistent with adopted local planning policies and the National Planning Policy Framework.

7.2 Despite significant local opposition to the proposals officer's feel that a suitable balance has been achieved between securing a viable use for a vacant site in the Woolston District Centre whilst not detrimentally harming the residential amenity and highway safety.

8.0 Conclusion

8.1 As such, the application is recommended for approval, subject to securing the matters set out in the recommendations section of this report and the conditions set out below.

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

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

ARL for 03/10/2017 PROW Panel

PLANNING CONDITIONS

01. 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).

02. 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.

03. Hours of Use (Performance)

The use hereby approved shall not be open for business outside the following hours:
Monday to Sunday and recognised public holidays – 6.00 am – 00.00 (Midnight)

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

04. Refuse & Recycling (Pre-occupation)

Before the development hereby approved first comes into occupation, details of litter bins and their emptying/management to serve the use shall be submitted to and be agreed in writing by the Local Planning Authority. The provision of the litter bins shall be provided in accordance with the plans approved and thereafter retained as approved.

Reason: In the interest of visual and residential amenity.

05. Delivery management plan and delivery times (Pre-commencement)

Prior to commencement of the development hereby approved a delivery management plan shall be submitted to and be agreed in writing by the Local Planning Authority. Deliveries to the development hereby approved shall be undertaken in line with the approved details unless agreed otherwise in writing by the Local Planning Authority.

No deliveries shall take place between the hours of 7:30-9.30 am, 12.00-13.30pm and 16.00-18:30 hours Monday to Sundays unless agreed otherwise in writing by the Local Planning Authority.

Reason: To provide safe access to the development and to prevent congestion on the highway.

06. Vehicular access and Highway Works (Pre-commencement)

Prior to commencement of the development details showing that the proposed vehicular access is to be constructed to ensure it can withstand overrunning by heavy goods vehicles shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless agreed otherwise in writing by the Local Planning Authority. In addition, prior to occupation of the building hereby approved the internal circulation route, car parking and all signage and lining shall be provided in accordance with the approved plans unless agreed otherwise in writing by the Local Planning Authority. These works shall be maintained to serve the use for the lifetime of the development

Reason: In the interests of highway safety.

07. Sightlines specification (Performance)

The Sight lines hereby approved shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other

means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays unless agreed otherwise in writing by the Local Planning Authority.

Reason: To provide safe access to the development and to prevent congestion on the highway.

08. Surface water (Performance)

No surface water from the site shall be permitted to run onto the public highway unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of Highway Safety

09. Construction Management Plan (Performance)

The development hereby approved shall be carried out in accordance with the construction management plan hereby approved R151795/003 dated December 2016 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.

10. 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, to include:

- i. proposed finished ground levels; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (lighting columns etc.);
- ii. planting plans; written specifications; 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 with the provision of semi-mature trees (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including low level boundary restrictions along the soft landscaped areas to prevent parking and;
- v. a landscape management scheme of all the landscaped areas within the 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.

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. Hours of use for outdoor seating (Performance)

The play area hereby approved should not be used outside the hours of 6.00am – 21.00pm Monday to Sunday unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

12. Protection of nesting birds (Performance)

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

13. No storage under tree canopy (Performance)

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

Reason:

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

14. Overhanging tree loss (Performance)

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

15. Arboricultural Method Statement (Pre-Commencement Condition)

Notwithstanding the submitted method statement, no operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.

4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

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

16. Land Contamination investigation and remediation (Pre-Commencement & Occupation)

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

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

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

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

17. Use of uncontaminated soils and fill (Performance)

Any 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.

18. Unsuspected Contamination (Performance)

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.

19. Sustainable Drainage (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).

20. Noise - plant and machinery (Pre-Commencement)

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.

21. Extract Ventilation (Pre-Commencement)

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in

writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings before the development first comes into occupation.

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

22. Site Levels (pre-commencement)

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.

23. Hours of work for Demolition / Clearance / Construction (Performance Condition)

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

Monday to Friday	08:00 hours to 18:00 hours (8.00am to 6.00pm)
Saturdays	09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

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

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

24. Approved Plans [Performance Condition]

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.

Community Infrastructure Liability (Approval) - Informative

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.

S106 Legal Agreement - Informative

Please note that a Section 106 agreement has been completed in relation to this site which should be read in conjunction with this planning consent. A full copy of the Section 106 Agreement is available to view on Public Access via the Southampton City Council website.