

**Planning and Rights of Way Panel 13<sup>th</sup> March 2018**  
**Planning Application Report of the Service Lead - Infrastructure, Planning and Development**

<b>Application address:</b> 390 - 392 Shirley Road, Southampton			
<b>Proposed development:</b> Redevelopment of the site. Erection of a single storey building to provide a Lidl food store with parking following demolition of existing building.			
<b>Application number</b>	17/01206/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	20.03.2018 (Extension of Time Agreed)	<b>Ward</b>	Millbrook

<b>Reason for Panel Referral:</b>	Major Development with 5 or more letters of support	<b>Ward Councillors</b>	Cllr Denness Cllr Furnell Cllr Taggart
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<b>Applicant:</b> Lidl UK GmbH	<b>Agent:</b> Lidl UK GmbH
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<b>Recommendation Summary</b>	<b>Refuse</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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1	Development Plan Policies
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**Recommendation in Full – REFUSE for the following reasons:**

**1. REASON FOR REFUSAL – Impact on neighbouring occupiers**

The proposed building due to its height, unbroken elevation extending along the common boundary, orientation to the south-east of its residential neighbours and proximity to the neighbouring properties at Mayflower Road would have a detrimental impact on the existing residential amenities of these occupiers in terms of providing an oppressive and overbearing outlook when viewed from habitable room windows in the rear of these dwellings and their associated garden space with additional shading within the rear garden areas. As such the proposal is contrary to 'saved' policies SDP1(i), SDP7 and SDP9 of the Amended Local Plan Review (2015) and policy CS13 of the Amended Core Strategy (2015).

**2. REASON FOR REFUSAL - Lack of Section 106 agreement**

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the

following ways:-

- a) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);
- b) In the absence of Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and 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);
- c) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;
- d) In the absence of a mechanism for securing the submission and implementation of a Servicing Management Plan, Travel Plan and Waste Management Plan the application fails to explain how the development will mitigate its direct impacts during the operational phase;
- e) In the absence of a mechanism for securing 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).

## **1.0 The site and its context**

- 1.1 The site comprises three parts; the former Shirley Police station, a vacant retail unit which lies within the defined Shirley Town Centre and the former Council depot fronting Villiers Road (which lies outside the defined town centre and has no allocation in the adopted Local Plan). The former Depot site has been sold to Lidl unconditionally by the Council. The buildings on the site have been demolished and the site is now hoarded and clear.
- 1.2 The site lies within a mixed use area with residential and commercial uses, most of Villiers Road, Shirley Road and Shirley High Street are in commercial use (with some residential at first floor). There are residential units within the buildings adjacent on Shirley High Street, along Mayflower Road, Heysham Road and the bottom part of Villiers Road where the character changes and becomes residential.
- 1.3 There are three trees within the site covered by Tree Preservation Orders (TPO); one Yew along the frontage and two Sweet Chestnut trees within the site. The site lies opposite the Local listed Church of St Boniface (including its presbytery and church hall). The site is not within a conservation area.

## **2.0 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 2207 square metres (sq.m) with 118 car parking spaces. Lidl would be relocating from their existing site already within Shirley. The scheme has been amended since submitted to:
  - reduce the net sales floor area from 1655 sq.m to 1401 sq.m;

- set the store back to allow for the retention of the Yew Tree;
- reduce the width of the store by 4 metres;
- lower the finished floor level; and.
- provide a landscaping boundary to the Shirley Road frontage.

These amendments are all positive additions to the proposal and neighbours have been re-notified.

2.2 Within the store, the sales floor would occupy an area of 1401 sq.m, with delivery and storage space, bakery preparation, cool storage (chiller and freezer), staff area and customer WC. The building is to be clad in white aluminium above the glazing, the glazing itself has aluminium powder coated frames in a grey colour. The remainder of the building consists of white render walls.

2.3 A total of 118 car parking spaces would be provided on site, including 7 disabled parking spaces and 8 parent and child parking spaces. Two of the three trees covered by a TPO are to be removed as part of the proposal but the substantial Yew tree along the frontage is now to remain. Seventeen trees are to be planted to mitigate for this loss and will include a mix of Silver Birch, Hornbeam, London Plane, Whitebeam and Small Leaved Lime.

2.4 The proposed store would provide an equivalent of 23 full time jobs. The hours of opening sought are 7.00 am to 23.00 pm Monday and Saturday and 10.00am to 17.00 pm Sundays.

### **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 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) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

### **4.0 Relevant Planning History**

4.1 The site been cleared but encompassed three sites. The relevant history of each is set out below;

#### **4.2 Council Depot**

It is an historic use and the only relevant history found relates to the following;

881943/WC  
04.01.1989

Resolved to carry out development

Erection of a two storey extension comprising offices, store, toilets and entrance.

#### **4.3 390 Shirley Road**

1404/11/1  
08.12.1970

Conditionally Approved

The erection of Shirley Sub Divisional Police Headquarters.

16/00761/DPA  
16.09.2016

SCC Withdrawn

Application for prior approval for the proposed demolition of former police station, former council depot and outbuildings.

4.4 392/392B Shirley Road

940009/W  
15.03.1994

Conditionally Approved

Retention of retail use and installation of a new shopfront.

17/01036/DPA  
12.09.2017

No Objection

Application for prior approval for the proposed demolition of 392 and 392b Shirley Road

- 4.5 Demolition has taken place in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015, whereby demolition consent is required to demolish certain buildings. Part 11 (Heritage and demolition) sets out the procedure required to be undertaken to gain this consent through prior approval. The demolition works are deemed permitted development.

**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, erecting site notices (17.11.2017 and 25.08.2017) and by posting an advertisement in the local press (04.08.2017). At the time of writing the report **99 representations** have been received from surrounding residents/businesses; this includes comments from all three Ward Cllrs and neighbouring Ward Cllrs and 12 letters of support, which seek to ensure a new Lidl is delivered on this site. The following is a summary of the points raised:

5.2 **Poor road surface on Villiers Road**

Response

Noted and mitigation in the form of resurfacing the road could be added as part of a package of highway works within the s106 legal agreement were the application to be approved.

5.3 **Deliveries restrictions**

Response

A condition to restrict the timing of deliveries could be suggested if the application was to be recommended for approval.

5.4 **Concern of security of neighbouring occupiers boundaries and the removal of trollies**

Response

A boundary treatment condition and management plan would be requested

were the application be recommended for approval.

**5.5 Concerned about air pollution**

Response

The site does not lie within a defined Air Quality Management Area (AQMA). The site lies within a defined town centre. The current site was not heavily landscaped but the proposal includes the insertion of 17 trees which seeks to minimise the environmental impact of the proposed development.

**5.6 Inadequate consultation has been undertaken for this scheme.**

Response

The Council has exceeded the statutory requirements for consultation for this application. A site notice was posted on the 25.08.2017 and, subsequently, on 17.11.2017 following the receipt of amended plans. Letters were also sent to all adjoining properties and objectors following the receipt of the amended plans. Furthermore, an advert was placed in the local newspaper on 04.08.2017. Adequate consultation has, therefore, been undertaken for this scheme by the Council and officers are aware that Lidl have undertaken their own consultation exercise.

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

Response

No objection has been raised on highway safety grounds following the receipt of amended plans. All development has an impact on the highway network, and so a highway safety improvement package could be sought as part of the S106 legal agreement to help mitigate any potential highway safety issues.

**5.8 The Transport Assessment offset the existing Lidl site when assessing the scheme which is flawed**

Response

Agreed. Highway Officers have received figures that do not offset the existing site; as the site can indeed be retained as a supermarket by another provided or redeveloped which will result in additional trips. The trip generation assessment is now considered to be robust and the holding objection has been removed.

**5.9 The site should be for residential development**

Response

Officers are only able assess applications before them, but as the site lies within a defined town centre a commercial or mixed-use development is more appropriate than solely residential.

**5.10 Vehicle charging points should be provided**

Response

Agreed, if recommended for approval a planning condition would be suggested to provide them.

**5.11 Poor Design**

Response

The Council's Design Officer has not raised an objection to the design of the proposal. The proposal, although similar to many other Lidl's throughout the

country, is acceptable and fits in within the street scene and does not detract from the character of the area. There is no uniform character to this area, although officers would have preferred to see a scheme that fronts the street and uses the building to screen the associated car parking, and the design is therefore acceptable for this location.

5.12 **The Yew Tree and Milestone marker should be retained**

Response

The plans have altered to retain both the tree and milestone marker. Officers advised the applicant that a scheme to remove the tree would not be supported.

5.13 **The proposed location of the store is at 90 degrees to the street and therefore does not continue the building line**

Response

Agreed. Due to the location of the store the proposal harms the residential amenities of the neighbouring occupiers. In design terms a building frontage to the High Street would be preferable (particularly given the established pattern of frontage development along Shirley High Street) but officers felt that this should not in itself form a further reason for refusal.

5.14 **Concern about noise (both from customers and equipment and light pollution)**

Response

The site lies within a defined town centre where late night/early morning disturbance already occurs – and historically the site was used as a police station and Council depot with out of hours activity. No objection has been raised from SCC Environmental Health on these amenity grounds. However, conditions would have been imposed, if approval was recommended, to restrict hours of use, noise from equipment and lighting.

5.15 **Unsuitable location**

Response

The site lies within a defined town centre where the proposed use complies with the principles of adopted 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 due to the receipt of amended plans.

5.16 **Rubbish and litter will result from the use**

Response

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

5.17 **Insufficient parking**

Response

The number of parking spaces proposed exceeds the Council's current maximum standards and no objection is raised by Highway Officers on these grounds – see full response below. As the site lies within defined town centre it is expected that some customers will visit on foot, and by bus, as well as by car so the parking is deemed sufficient for the size of the use.

5.18 **Consultation Responses**

5.19 **SCC Highways – No objection following amendments**

The proposed development is situated within a defined town centre and a sustainable location.

5.20 i) Traffic Location

The existing/previous site had commercial and office uses which benefitted from individual accesses and parking. The proposed development will reduce the number of accesses to one which will be considered a betterment. The nature of the trips will be slightly different in terms of its peaks and types of vehicles. The previous site would have mainly had its peaks during the 'standard' commuter peak hours due to the office uses and the previous uses of a police station and the City Council depot site would have generated more HGV vehicles. The proposed use would generate less 'commuter' peak hours, although the evening and also the weekend peaks would still apply. Furthermore, although there will likely be less HGV trips, there will be an introduction of large articulated lorries visiting the site - the servicing details suggest there will only be a maximum of three a day.

5.21 In terms of highway safety impacts, there are a number of reported accidents in the local area. Looking through the reports, there is no obvious pattern or evidence of cause. Nonetheless, any increase of vehicular trips could exacerbate the issue.

5.22 ii) Impact

The other main impact from this development will be impact on traffic flows. The Transport Assessment has based its impact of the proposed development from trips based on other discounted food retail stores from the TRICS database, with parameters set to reflect as close to the proposed store. The highway consultant for the applicant has also provided trip rates which were used and approved by Hampshire County Council for a recent store – these were slightly higher than the TRICs rates and were used to provide a more robust assessment. Furthermore, the highway consultant has confirmed that the surveyed data for the existing store was similar to the TRICs database and the HCC approved trip rates. Unlike the original submission, the trip rates are now not simply 'transferred' trips from the previous site (Church End) in that the trips from the existing store will not be discounted.

5.23 In terms of traffic modelling, the applicant has submitted models which suggests there will be capacity on Villiers Road/Site Access junction and Villiers/Heysham Road Junction. The main junction to be considered, due to the data provided and the nature of the road, would be Shirley Road/Villiers Road. The left turn into Villiers Road would be unhindered and has priority and therefore is not considered to be a concern. The main concern would be the right turn into Villiers road and also (but slightly lesser extent) the right turn out.

5.24 Historically, Shirley Road is narrow and is a very busy trunk road with a high level of bus services. This resulted in a narrow right turn lane turning into Villiers road which often impacts on the through traffic especially for buses. Any increase of turning movements could impact on the flow for the through traffic which is essential in this location. Survey data was provided to show how many vehicles queued in the right turn lane into Villiers Road which according to the data, the maximum during any 5 minute period was 4 vehicles. Although it would be difficult to predict exactly how many vehicles will be queuing at one time and what the exact figure would be before the right turn lane is over capacity, the increase in vehicular movements would certainly require the right

turn lane to provide more capacity (as the current capacity is 4). A keep clear marking is proposed to help the right turn out (onto Shirley Road).

5.25 iii) Parking

The proposed level of parking is over the maximum standards. The applicant has provided their justification for the over-provision by submitted data on current sites and its parking demands. Argument being if there is insufficient space, then vehicles wanting to enter the site could impact on the local network as they would either wait to enter the site or drive around looking for another space. However, in accordance with policy, parking standards are derived based on the maximum levels set and not based on demand.

Having said, that, an over-provision could be considered if this provides some benefit and as part of an overall package which could bring an improvement to the local area (more of this will be covered below).

5.26 iv) Servicing

The servicing requirements when compared to the existing/previous uses will be less in frequency but larger in vehicle sizes. The tracking shows that articulated lorries will need to occupy a lot of the highway to be able to make the manoeuvre in and out of Villiers Road/Shirley Road junction. This however is recognised as a situation which often happens along Shirley Road already. The question is whether we should encourage anymore. The only way to make the manoeuvre not impact on any additional lanes would be to widen the Shirley Road/Villiers Road junction – but this would be sacrificing footway and essentially prioritising vehicles over pedestrians. Therefore on balance, subject to other mitigation measures (covered below), it is considered that the very few articulated lorry movements would be subject to a servicing management plan, restricting delivery hours to avoid peak times will be the preferred solution.

5.27 v) Mitigation Measures

Due to the many constraints on Shirley Road (narrowness of the road, less than ideal right turn lane both in width and length and the fact there's another right turn lane in to Shirley Avenue), it is difficult to provide a solution which works in every aspect. However, on balance, there is a set of mitigation measures which could provide an overall benefit to the area.

5.28 Firstly, the main concern and improvement required would be the right turn lane. There are a few solutions, all of which have pros and cons but the most effective which provides the least harmful impact would be the remove the parking bays on the Eastern side of Shirley Road to enable a wider section of Shirley Road. This can provide a wider right turn lane as well as lengthening it. This will benefit the bus flows and therefore hopefully improve the quality of bus services which in turn encourages sustainable travel. The down side is that public parking facilities would be removed. However, Lidl has confirmed that their car park would be available for public parking which would mitigate the loss of these bays. Furthermore, the loss of these bays will have some benefit to highway safety as some of these bays are close to the pedestrian crossing and junction – also, a couple of the reported accidents involved these parking bays. This forms part of the reason for the overprovision of parking on site. As a note, further tweaks will be required to make this work such as realigning road markings and removing buildouts. The other would be to widen the pedestrian island to reflect the widening of Shirley Road which will have another benefit to highway safety and pedestrian crossing facilities. Keep clear signs will be installed to benefit vehicles turning right out of Villiers and onto



Shirley Avenue.

5.29 The applicant has also agreed to resurface Villiers Road both carriageway and footway as part of their scheme of works which will provide a more attractive and safety benefits for the public – as well as reducing the number of accesses on Villiers Road. Furthermore, the applicant has confirmed that a financial contribution will be provided as part of any mitigation package with a number of suggested solutions which will need to be discussed further and agreed. General improvements to be considered are improvements to pedestrian and cycle movements, crossing facilities, removal of parking bays, improvement to public realm, potential of optimising bus stops/markings.

5.30 vi) Highway Comments - Summary

Overall, there are a number of concerns relating to the proposed development. With the site constraints, there are no obvious solution which will provide a perfect answer to everything. However, on balance, the Highways Team feel that as long as the mitigation package (as covered above) is provided as part of the submission, the benefit it brings will provide an overall improvement to the area as outlined above.

5.31 **SCC Sustainability Team – No objection**

Subject to the imposition of conditions securing BREEAM 'Excellent'.

5.32 **SCC Tree Team – No objection following retention of Yew Tree**

Local Authorities have a duty to fully consider trees through the planning process. Trees are given special consideration under the statutory planning system. The value in benefits that trees deliver to the public in terms of ecosystem services as well as aesthetic benefits is still being fully appreciated. Southampton has a slightly lower canopy cover than might be desirable when compare to other cities (including London), and the issues surrounding air quality and storm water management only make our green infrastructure, and in particular large canopy trees, more valuable to us locally.

5.33 British standard BS5837: 2012 Trees in relation to design, demolition and construction seeks to retain category A trees through development, and category B trees wherever possible. There are three trees subject to two TPO's on site, two trees are proposed for removal.

5.34 The revised layout as per tree survey reference JSL2643 drawing. 705 showing the retention of the A category yew on Shirley High Street is acceptable. The loss of the other trees can be adequately mitigated by the provision of 17 replacement trees which is a welcome improvement to the streetscape and will deliver many ecosystem benefits into the future. This landscaping plan is to be delivered in full. Adequate soil volumes are to be provided to ensure the trees can achieve their full potential. This may necessitate below ground engineering systems such as structural soil cells.

5.35 The species and stock size/type is to be agreed but the original landscape plan plant schedule reference AAJ5088 drawing. PR-011 is acceptable if natural form trees are substituted for the fastigate cultivars such as 'Streetwise' and 'Green spire' where sufficient above ground space is available. Any changes must be agreed in advance and any loss mitigated elsewhere on site or through contributions to plant offsite.

5.36 **SCC Ecologist – No objection**

The application site consists of an extensive area of hard-standing with a block

of offices, a shop and a series of buildings which comprise the former SCC Housing Depot. *Prior to demolition* the buildings appeared to be in good condition with no obvious access points for bats.

5.37 The local environment supports little habitat of any wildlife value, and is generally well lit, and as a consequence the site is of negligible ecological value. Therefore the Council's Ecologist is of the view that the proposed development is unlikely to lead to any adverse effects on local biodiversity and no objection is raised. The Ecologist is pleased to see that the landscaping has been re-worked and that almost half of the species selected are on the Royal Horticultural Society's Perfect for Pollinators list.

5.38 **SCC Archaeology: No objection**  
BELOW-GROUND ARCHAEOLOGY.

The site is in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy -- LAAP 16 (The Rest of Southampton). It lies about 100 metres north-west of the former Hendy Ford site, now Selby Place, where important Late Iron Age and Roman occupation evidence was found during archaeological investigations in 2012 (SOU 1577). Therefore, the current site clearly has significant archaeological potential. Development threatens to damage archaeological deposits, and an archaeological investigation will be needed to mitigate this. All demolition below slab level will need to be carried out under archaeological supervision. All test pits and soil investigations will need to be carried out under archaeological supervision. Demolition should be followed by an archaeological evaluation of the site to determine the nature of any deposits and their state of preservation. Depending on the results of the evaluation, further archaeological work may be required, perhaps full archaeological excavation of the areas threatened by the development.

5.39 392B SHIRLEY ROAD.

No 392b is a 19th century villa, set back from the street frontage, behind the modern No 392 and joined to that building (Direct Carpets). It was built as a detached house in the early-to-mid 19th century, before 1869. In 1968 the building was Grade III listed, although was not included in the full statutory list of listed buildings created in 1981. However, the building is of historic interest and is on the Southampton Historic Environment Record (MSH 3715). It is an undesignated heritage asset as defined in the National Planning Policy Framework. (Several other houses of a similar date immediately to the southeast have been demolished since 1968. The Grade II listed No 350, further to the southeast, is of a similar date.) Apart from the listed No 350, No 392b is the only building of this period to survive on Shirley Road and its proposed demolition is to be regretted. An archaeological building record (to Historic England Level II or III) will need to be made prior to demolition, including No 392B and any structures of a similar date in the rear garden.

5.40 FORMER SHIRLEY DEPOT BUILDINGS.

These buildings are on Villiers Road behind the modern police station. The area appears to have been laid out in preparation for the construction of the depot by the time of the 1896 Ordnance Survey Map, although the first map to show the depot is the 1909 OS Map. An archaeological building record (to Historic England Level II) will need to be made of all buildings shown on the 1909 map (and still standing). Note that the boundary with the residential properties to the west is as shown on the 1870 map, and may well be much older.

5.41 MILESTONE.

There is a historic milestone on the site boundary outside No 390, next to the

pavement and under the yew tree. Ordnance Survey maps to 1964/5 show the milestone some 25 metres to NW of its current location, outside No 392, so it has clearly been moved since 1964/5. The milestone will need to be retained somewhere on the street frontage of the site.

To secure the archaeological building recording and other archaeological investigations conditions are recommended.

**Officer comment:**

***The recording of the buildings has been carried out and the Council is waiting for the information to be submitted***

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

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

5.43 **SCC Environmental Health (Pollution & Safety) – No objection** subject to conditions securing, a construction environment management plan, no bonfires (not secured as can be dealt with under separate legislation) demolition suppression and working hours.

5.44 **SCC Design – No objection**

The Council's Design Officer reiterates their original comment which was that they would have preferred to have seen a continuous street frontage along Shirley Road. The Design Officer is content that in time the revised landscape scheme will obscure the view of both the car park and the blank façade of the store when viewed from Shirley Road, which is an improvement over the previously submitted scheme.

5.45 **SCC Flooding Team – No objection**

The proposals for surface water drainage from the site is free discharge of surface water runoff from the site into the existing surface sewer system. This is not in accordance with the written statement made by the Secretary of State for Communities & Local Government, dated 18 December 2014, where major development is expected to utilise sustainable drainage systems to manage runoff, unless demonstrated to be inappropriate. Given the above it is not possible to assess the application in relation to surface water drainage, therefore, the following information is required.

5.46 The following details on the drainage strategy will be required:

- Site details
- Site constraints
- Assessment of the proposed changes to impermeable area on the site
- Justification of the proposed discharge method(s)
- Peak discharge rates & volumes (existing & proposed) for the 1 in 1, 1 in 30, 1 in 100 and 1 in 100 + climate change
- Mitigation for any proposed increase in discharge volumes (if applicable)
- Details of the proposed approach and design of the drainage system
- Requirements for the long term operation of SuDS including flood risk within the development (exceedance and flow paths), construction & structural integrity of the proposed system and its maintenance.

Sustainable drainage proposals should be developed in accordance with the non-statutory technical standards:

<https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>).

5.47 Peak flow rate and runoff volume from the site should be reduced as close as reasonably practicable to greenfield rate and volume to reduce the burden on the existing drainage network which will contribute towards alleviating the flood hazard downstream of the site.

If the applicant determines that sustainable drainage is inappropriate on this site suitable evidence must be presented to demonstrate why it is deemed to be inappropriate. It is recommended that the planning condition be applied if approval is sought to request the above information.

5.48 **Southern Water – No objection.**

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

## 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;
- Residential amenity;
- Highway Safety and Parking;
- Impact on protected trees and Landscaping; and
- Development Mitigation

6.2 **Principle of development**

In principle, redeveloping the site to provide a Lidl foodstore is supported. There is no need for a retail impact assessment in this location. The application site is partly located within Shirley Town Centre as designated by Policy CS3 of the Core Strategy (the rear part of the site is not located within the town centre boundary). Core Strategy policy CS3 (Town, District and Local Centres, community hubs and community facilities) states that: *'The Council will support the role of town and district centres in providing shops and local services in safe, accessible locations. New development should make a contribution to the centre's vitality and viability, promote and enhance its attractiveness, respect where possible the historic street patterns and building lines and improve its connectivity to surrounding residential neighbourhoods'*.

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

6.2.2 There are no listed buildings or conservation areas in the immediate vicinity of the site. St Boniface's Church on the opposite side of Shirley Road is a locally

listed building and an important feature in the street scene. The Council is satisfied that the setting of this building would not be adversely affected by this development. The retention of the mile marker is positive as it retains a historic part of the site.

- 6.2.3 The proposed store would be partly located within Shirley Town Centre where retail uses of this scale are considered to be appropriate. Having regard to national and local planning policies, it is considered that the proposed store would be acceptable in principle. This scheme would bring a vacant site back into effective use and would consequently enhance the vitality and viability of Shirley town Centre. Therefore, the principle of the use and the redevelopment of the site is accepted.

### 6.3 Design

The scheme has been designed to lie at 90 degrees to the road frontage, therefore resulting in a development that lies adjacent (ie. between 3.4 and 3.65m of the common boundary) to the neighbouring occupiers of Mayflower Road. Whilst officers would prefer to see a retail store fronting Shirley Road and screening the car parking with a building the applicants are keen to pursue this chosen option. Only part of the development fronts Shirley Road as the main entrance for the development fronts Villiers Road. Therefore part of the car park is visible from the street. To reduce the impact a low level wall and landscaping are proposed along the rest of Shirley Road frontage. This will soften the hard landscaping of the large car parking area. Steps are provided along Shirley Road located either side of the trees and a ramp is provided in front of the low level wall that links with the stores entrance.

- 6.3.1 The building is single storey and at its highest point 6.8 metres high. The building is a standard design and similar to that found on other Lidl sites throughout the country. The elevation fronting Shirley Road is a glazed elevation to provide an active frontage and the side elevation fronting Villiers Road bar the entrance is a blank elevation. No objection is raised to the architecture of the scheme nor the parking area. The scheme has sought to address previous concerns relating to landscaping through the provision of boundary trees.

### 6.4 Residential Amenity

The orientation of the scheme means that the building lies adjacent (ie. between 3.4 and 3.65m of the common boundary) to the rear boundaries of the properties along Mayflower Road, the rest of the site is laid out for parking. An alternative scheme providing a full elevation fronting Shirley Road would not only provide a scheme that would not result in detrimental harm to the neighbouring occupiers, it would continue the building line and address the street. The applicants prefer their layout for operational reasons. With respect to the impact on these properties, the guidance for separation distances for residential development is set out in the Council's adopted Residential Design Guide (2006) (RDG). The guidance states that the separation distances between rear elevations to side elevations or elevations without windows should at minimum be 12.5 metres (residential to residential). The distance between the rear elevation of the proposed store and the nearest properties at 2 and 4 Mayflower Road is approximately 12.5 metres. The distance between 12 and 14 Mayflower Road is 15.5 metres.

- 6.4.1 Although, the separation distances have met the guidance (for residential to residential), the depth is only a guide and is generally based on development

that provides some relief in the elevations through articulation or indeed through separate buildings breaking up the site and enabling space between buildings. In this case, the length of the elevation is 75 metres and is unbroken. This is significant, and differs from a typical residential form. The height of the development is 6.8 metres at its highest sloping to 5.2 metres adjacent to the boundary. The depth between the rear boundary of the property ranges from 3.6 metres at 2 Mayflower Road to 3.4 metres at 16 Mayflower Road. It is understood the proposal would be between 3 and 3.5 metres lower than the existing properties at Mayflower Road but this would mean the development would reach the eaves height of most of the properties. Due to the height, mass, proximity and expanse of the elevation the proposed building would result in an oppressive and severely limited outlook from the properties along Mayflower Road which would harm the occupier's residential amenities. The applicant disagrees but has not persuaded officers that the application shouldn't be refused on this basis.

- 6.4.2 Although, section drawings have been provided to demonstrate that the development meets the guidance set out in the 'Site layout planning for daylight and sunlight: a guide to good practice' published by the Building Research Establishment (BRE) it is clear from these sections that the outlook from both the ground and first floor habitable windows of the neighbouring properties in Mayflower Road will, due to the proposed store's height and proximity, solely have a view onto the rear elevation of the store and nothing else. This impact clearly shows that the development would cause an oppressive and overbearing outlook from these habitable windows. The same can be said when viewed from the garden space of these dwellings thereby proving contrary to policy SDP1(i) due to the developments significant impact on the neighbouring occupiers outlook. The layout of development from the previous uses meant that 2 -14 Mayflower Road had an acceptable outlook. It is noted that properties further along Mayflower Road from no 14 onwards had a building close to their boundary. The proposed layout means their outlook will be replaced by the openness of the car parking area providing a betterment for these occupiers. However, this betterment should not be seen to outweigh the poor outlook for the occupiers facing the proposed development whose amenity is significantly reduced. Furthermore, due to the proximity of the development to the neighbouring gardens the proposal would result in loss of light and lead to shading of the garden areas. It is noted, that it is only during the morning but when combined with the reduced unbroken outlook, the proposal has a detrimental impact on the residential amenities that the occupiers currently enjoy. The scheme has therefore been assessed as failing to comply with Local Plan Policy SDP1(i) as it relates to existing neighbouring amenity.

## 6.5 Highway Safety and Parking

Shirley Road is a busy thoroughfare linking the city centre with the north and western suburbs. The Shirley Road corridor does not have a good accident record. Therefore, it is key that any scheme proposed does not result in a development which would heighten this impact. To ensure that the scheme does not have a detrimental impact on the wider highway network it is important that this development incorporates site specific transport measures to improve traffic conditions in this area for vehicles and pedestrians including

the junction with Villiers Road/Shirley Road.

6.5.1 The changes to the junction to allow a formal right turn lane, keep clear markings and removal of the on street parking will improve the existing and potential flow of traffic within the vicinity of the junction. The resurfacing of Villiers Road would be a benefit as well as the reduction of the number of kerbs/accesses onto Villiers Road. With respect to the specific aspects of the scheme, there is an over provision of parking. However the number of car parking spaces is based on the figures provided for similar stores and in this case there is justification that an over provision is warranted especially as there will be a loss of on-street parking. It is positive that shoppers will be able to use the car park for short stay parking to access other shops in the Town centre. A car park management plan could be conditioned, if approved, to ensure there is no abuse of the parking and that the spaces allow for linked trips.

6.5.2 There will be an increase in traffic from the development, and it is understood servicing of the site will result in issues but the mitigation suggested will reduce the impact. On balance following detailed discussions with the applicants the scheme will not result in detrimental harm to the users of Shirley town centre nor the neighbouring occupiers in terms of highway safety. Therefore, subject to the mitigation measures set out above, the proposal is acceptable in highway terms and a reason for refusal on this basis is therefore not justified.

#### 6.6 Impact on protected trees and Landscaping

The revised scheme proposes the retention of the Yew Tree that front Shirley Road, but still results in the loss of the two Sweet Chestnut trees protected by Tree Preservation Orders. The scheme seeks to provide 17 trees on site which exceeds those required to comply with the two for one replacement as, technically, only four replacement trees would be required. The Council's Tree Team would require further information on the types of trees to safeguard the trees for their lifetime. Landscaping has been provided along part of the Shirley Road frontage and along Villiers Road as well within the parking areas to reduce the harsh impact of the parking areas. This is a benefit as the previous uses meant landscaping was minimal. If approval was recommended a landscaping condition would be suggested to secure all the landscaping; as they provide a positive element to the proposal as well as an environmental benefit which would enhance the street scene and the character of the area.

#### 6.8 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 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 would be secured if the application were to be approved and would be likely to be improvements to pedestrian and cycle movements, crossing facilities, removal of parking bays, improvement to public realm and the potential of optimising bus stops/markings. In addition the scheme triggers the Community Infrastructure Levy (CIL). The reason for refusal set out above provides further detail.

### 7.0 Summary

7.1 The principle of a new Lidl store is policy compliant and would be a suitable addition to the retail frontage of Shirley. Unfortunately, despite pressure from officers to move the store's footprint through 90 degrees and locate it running along Shirley Road thereby reinstating a built frontage and making the scheme less harmful to residents in Mayflower Road this is not a feasible option for the applicant. In light of the issues discussed in this report, this proposal has, therefore, failed to address the impact on the residential amenity of adjacent occupiers. Furthermore, it has not been possible to secure planning obligations through the completion of a section 106 agreement. The proposed development would therefore, be inappropriate in relation to its impact on residential amenity and fails to mitigate its impact and is therefore recommended for refusal.

7.2 Although, the commercial use of the site complies with local plan policies and would bring a vacant site back into use, when the scheme is weighed against the impact on the neighbours it is judged that the harm outweighs the benefit of bringing a vacant site back into use.

## **8.0 Conclusion**

8.1 The application is recommended for refusal on the grounds the development is harmful to the residential amenities of neighbouring occupiers with a failure to secure appropriate mitigation.

### **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 13/03/2018 PROW Panel**