

Planning History

392/392B Shirley Road

17/01206/FUL

Refused 13.03.18

Redevelopment of the site. Erection of a single storey building to provide a Lidl food store with parking following demolition of existing building

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).

17/01036/DPA No Objection 12.09.2017
Application for prior approval for the proposed demolition of 392 and 392b Shirley Road

Council Depot

881943/WC Resolved to carry out development 04.01.1989
Erection of a two storey extension comprising offices, store, toilets and entrance.

390 Shirley Road

1404/11/1 Conditionally Approved 08.12.1970
The erection of Shirley Sub Divisional Police Headquarters.

16/00761/DPA SCC Withdrawn 16.09.2016
Application for prior approval for the proposed demolition of former police station, former council depot and outbuildings.

392/392B Shirley Road

940009/W Conditionally Approved 15.03.1994
Retention of retail use and installation of a new shopfront.

POLICY CONTEXT

Core Strategy - (January 2010 – Amended 2015)

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

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

SDP1- Quality of Development
SDP4- Development Access
SDP5- Parking
SDP6- Urban Design Principles
SDP7- Urban Design Context
SDP8- Urban Form and Public Space
SDP9- Scale, Massing & Appearance
SDP10- Safety & Security
SDP11- Accessibility & Movement
SDP12- Landscape & Biodiversity
SDP14- Renewable Energy
SDP15- Air Quality
SDP16- Noise
SDP17- Lighting
SDP22- Contaminated Land
SDP23- Unstable Land
SDP24- Advertisements
HE6- Archaeological Remains
CLT15- Night Time Uses in Town, District and Local Centres
REI4- Secondary Retail Frontages
TI2- Vehicular Access

Supplementary Planning Guidance

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

Other Relevant Guidance

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

Highway Engineer Response

1. i) Traffic
When compared to the previous/existing uses on site, the proposed Lidl store will generate an increase in trips and vehicular movements, however, it is not considered to be a significant impact and can be addressed via the proposed mitigation measures. The biggest impact would be the right turn movements into Villiers Road from Shirley Road as the current right turn lane is considered to be substandard in terms of width and length. The added trips here would thus impact on the through traffic of Shirley Road especially for buses which is a significant traffic generator along this road. There will also be an impact on the queues for Villiers Road trying to exit onto Shirley Road but again, the figures indicate that it will not be a significant increase and furthermore, the mitigation measures would be improvement on the current highway arrangements.
2. There are safety concerns raised regarding vehicles using Heysham Road which is mainly related to the bend in the road just off Villiers Road. However, this is an existing situation and is mainly caused by kerbside parking taking place around this bend which then forces cars to travel within the middle of the road. The only realistic solution would be install parking restrictions which would be carried out via a separate Traffic Regulation Order (TRO) process and would naturally impact on the amenity for the residents who maybe benefitting from these spaces historically. Upon site visits here and observing traffic behaviour around this bend, it is noted that the situation is not ideal in terms of highway safety. However, vehicles were naturally slowing down due to the bend and also in anticipation of any potential oncoming traffic – and in situations where there was opposing vehicles coming together, one would give way to another without any obvious major safety risks that was observed. Again, this situation has been historic and the small increase in movements here is not considered to be significant nor does it justify a reason for Refusal. However, the Council can look at this area to see if there can be any improvements can be made to the existing situation.
3. It is noted that a letter of representation has been submitted which contained a traffic count survey carried out by a local resident. The survey was detailed and well-presented and the results were informative. The results showed movements in (generally) 15 minute intervals and the survey results indicated that the level of traffic movements are not too dissimilar to the survey results provided by the applicant's Transport Assessment. However, with only 15 minute surveys of one location, the hourly (and therefore daily etc.) counts would have gaps which is difficult to fill. Therefore the survey may not be as extensive and detailed as the Transport Assessment. Nonetheless, it does provide additional results and count data for the 15 minute intervals.
4. ii) Servicing
There has been historically Heavy Good Vehicle (HGV) movements accessing Villiers Road due to the previous uses on site and also the commercial uses on the opposite side along Villiers Road. Although the sizes of vehicles needed to

service a food retail outlet would generally speaking be larger, the level of HGV movements would be a lot lower than the previous uses. As part of the servicing management plan, the servicing vehicles would be required to service the site outside of peak hours which would minimize its impact.

5. iii) Parking

The level of parking is to remain as the agreed level from the previous application. Although it does exceed policy standards, the developer has provided evidence of the demand in parking but more importantly, as a result of the highway improvement works, the spaces within the Lidl car park will replace the spaces lost along Shirley Road. It was the intention that these spaces would have a time restriction to prevent commuter parking (at the time it was 'to be agreed' but a minimum of 90 minutes was proposed) but a condition would be in place to ensure the public can use these spaces. Again, this was agreed as part of the previous application with no objections or reasons for refusal and therefore there is no additional impact or change.

6. iv) Main Material Change since previous application

The main change is the relocation of the building. The access and parking remains to be similar and has no additional impact since the previous scheme.

Due to the change of the building, clarification will be needed to ensure that there is pedestrian/cycle/wheelchair access directly from the Shirley Road elevation/frontage so that customers would not have to go all the way along Villiers Road and across the car park and servicing area.

The traffic assessment (TA) submitted as part of this proposal included some superseded elements from the final agreed highway position of the previous scheme (for example, the TA does include the 'transferred trips' argument which was dismissed by the Council). It is advised that this should be amended but this recommendation for now will be based upon the previous figures – regardless, the mitigation, design and conditions will be required as per the previously agreed scheme and therefore will address the agreed impacts of the development.

7. Mitigation measures as stated within the TA include:

“Improvements to the right turn lane facility into Villiers Road from the A3057, Shirley Road;

- *Provision of 'Keep Clear' markings at the A3057, Shirley Road/Villiers Road junction;*

- *Widening of the pedestrian refuge along the A3057, Shirley Road;*

- *Resurfacing of Villiers Road and its footways from the site access to Shirley Road;*

- *Controlling delivery times for large goods vehicles to avoid peak times when accessing the store, through the implementation of a Servicing/Delivery Plan to be secured as part of a Planning Condition;*

- *Implementation of a Site Travel Plan, as is usual practice and corporate policy at Lidl, to be secured by a Planning Condition; and*

- *A financial contribution will be made by the Applicant towards local measures*

to generally enhance traffic management and road safety.”

8. v) Recommendation

Overall, the proposed application is near identical to the previous scheme which was accepted on highway grounds. The level of impact is not considered to be severe with the mitigation measures provided sufficient to address the impact. Therefore, the application is to be recommended for Approval subject to the following conditions:

- 1) Construction Management Plan.
- 2) Car Parking. The level of parking spaces to not exceed 118 spaces and should all be fully laid and marked out prior to the use of development.
- 3) Public Parking. The on-site parking spaces will need to be kept available for general public use for a minimum of 90 minutes stay.
- 4) Cycle parking. Details to be submitted and approved in writing by the local planning authority. The design and level of provision will need to be in accordance with the Council's Parking SPD, 2011.
- 5) DDA compliant access fronting Shirley Road. Ensure a DDA compliant access is provided and retained to the store entrance from Shirley Road's frontage.
- 6) Waste Management plan.
- 7) Servicing Management Plan.
- 8) Travel Plan.