REF. NO. F/15/77693

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Reconfiguration of existing car park with asscoiated landcpaing and laterations to existing elevations Bradbeers Retail Park, Wellington Park, Hedge End Southampton SO30 2QY

SITE VISIT DATE – 13th Jan 2016.

ARE PLANS ACCURATE? - yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? – yes, via direct letters and a site notice.

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	Application seeks approval to alter and improve the external appearance of the existing buildings, to include a new roof design and cladding. The proposal also includes alterations to the layout of the existing car park, as well as improved pedestrian and cycle facilities. This application follows previous approvals for more significant alterations to the whole retail park, including external alterations/improvements, an enlarged roundabout, regarding and realigning of the car park, a new vehicular and pedestrian access and revisions to landscaping. These works are currently being implemented – see site history below. The landscaping and car park alterations do not differ from those alterations already approved. This application does not include amendments to the external appearance of the extension approved under application F/14/75157. This will be dealt with separately.
SITE AREA	00.02ha
TOPOGRAPHY	Site slopes from east to west.
TREES	Some trees within existing landscaping. A few to be replaced as per the proposal.
SITE CHARACTERISTICS	The application site comprises a retail park comprising five terraced units. The park is bounded to the south west by Botley Road and the south east by Tollbar Way. Access is now from the roundabout to the SE of the site. There are also pedestrian accesses from Botley Road and Tollbar Way. The retail units contain substantial internal mezzanines and have a total floor space of 12,197 m2. Unit 1a is currently vacant with the remaining units are currently occupied by Bradbeers, Harveys/Bensons, Ponden Home/Bedshed and CarpetRight.
CHARACTER OF LOCALITY	This area of Hedge End is characterised by a range of out-of-town retail, food retail and commercial uses.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
X/15/76771	Variation of Condition 8 of planning permission F/14/75157 to enable the sale of sports goods and equipment, sportswear and ancillary goods.	Current application
F/14/75157	Extension to side of existing unit at ground and mezzanine level, extension to existing mezzanine, ground floor extension to rear and alterations to car park (increase in total floor space from 1072sq.m to 2509sq.m)	Permitted April 2015
U/12/71277	Application for a certificate of lawfulness for a proposed use: The retail sale of all goods for up to 49% of the floor area in each unit. Pursuant to condition 8 of planning application Z/28673/11	CLOPUD not issued. Appeal allowed 2013.
X/11/68611	Removal of condition 7 of Planning Permission F/08/62428 and replacement with a phasing condition for alternative implementation timetable.	Permitted 2011
F/10/68320	Extension of time to implement extant planning permission F/08/62428 for amendments to external design of retail units, sub division of Unit 4, provision of new vehicular and pedestrian access and an enlarged roundabout, regrading and realigning of car parking and revisions to landscaping.	Permitted 2011
F/08/62428	Amendments to external design of retail units, sub division of Unit 4, provision of new vehicular and pedestrian access and an enlarged roundabout, regrading and realigning of car parking and revisions to landscaping.	Permitted 2008

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
None	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
West End Parish Council	No objection
Planning Policy and Design	No objection, subject to conditions to ensure adequate tree pits and ongoing maintenance of the landscaping as well as requesting samples of all external materials (verbally given)
Engineering	No objection, subject to condition to request details of retaining wall and pedestrian access and a note to applicant to separate permission

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	required from HCC re. any highway works.
HCC Highways	No response.
Tree Officer	No objection
Lead Local Flood Authority	No comments required
Southampton Airport	No objection but notification must be given concerning the use of cranes 28 days prior to the operation (taken from previous application)
Southern Water	No response received, but no objection raised as part of previous applications

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Designated Out-of-Centre area

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011), saved policies: 34.ES, 35.ES, 45.ES, 59.BE, 62.BE, 63.BE, 100.T, 102.T, 104.T, 134.TC, 190,IN

Supplementary Planning Document: Environmentally Sustainable Development
Supplementary Planning Document: Planning Obligations

National Planning Policy Framework

The National Planning Policy Framework, published in March 2012, replaces all previous Planning Policy Statements and Planning Policy Guidance. The guidance in the NPPF is a material consideration which must be taken into account when determining planning applications. The NPPF sets a presumption in favour of sustainable development. For decisions on planning applications, this means: Approving development proposals that accord with the development plan without delay; or where the development plan is absent, silent or relevant policies are out of date, granting permission unless the adverse impacts of the development would outweigh the benefits, or specific policies in the Framework imply the development should be restricted.

Relevant sections of the NPPF include the following:

- Paragraph 14 - sets out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with the development plan and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless the adverse impacts of doing so would significantly outweigh the benefits.
- Paragraph 17 - sets out core planning principles. Planning should, inter alia:
  - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
  - always seek to secure high quality design;

- support the transition to a low carbon future;
- encourage the effective use of land by re-using land that has been previously developed;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

- Paragraphs 18 and 19 - define the Government's commitment to securing economic growth and to ensuring that the planning system supports sustainable growth.
- Paragraph 23 - seeks to promote the vitality of town centres as the heart of their communities. Planning policies should be positive, promote competitive town centres providing consumer choice and allocate sites to meet retail and other needs. Appropriate edge-of-centre sites that are well-connected to the town centre should be allocated for town centre uses where suitable and viable town centre sites are not available.
- Paragraph 24 - states that "Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date local plan" noting that "When considering edge-of-centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre". It goes on to say that "Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale".
- Paragraph 26 - requires that retail development over 2,500m2 (or an alternative, locally-set, threshold) outside town centres should be accompanied by an assessment of the impact of the proposal on existing committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area …".
- Paragraph 27 - advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impacts it should be refused.
- Paragraph 34 - states that "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised".
- Paragraph 35 - goes on to say "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people".

National Planning Practice Guidance

Where material, this guidance should be afforded weight in the consideration of planning applications.

Determining a planning application – To the extent that development plan policies are material, a decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. Where the plan is absent, silent or out of date, an application must be determined in accordance with the presumption in favour of sustainable development.

Design – Good quality design is an integral part of sustainable development. Achieving good design is about creating places, buildings or spaces that work well for everyone, look good, will last well and adapt for the needs of future generations. Good design responds in a practical and creative way to both the function an identity of a place

Planning Obligations – these should mitigate the impact of unacceptable development in order to make it acceptable. Obligations should be directly related to the development and fairly and reasonably related in scale and kind.

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POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed.

COMMENT ON CONSULTATION RESPONSES

Comments noted – see below.

COMMENT ON REPRESENTATIONS RECEIVED

n/a

PLANNING OBLIGATION/CONSIDERATIONS

In accordance with the provisions of the following;

- National Planning Policy Guidance
- Community Infrastructure Levy Regulations 2010 (SI 2010/948) as amended by the Community Infrastructure Levy (Amendment) Regulations 2011 (2011/987)
- Saved policies *101.T, 147.OS* and *191.IN* of the Eastleigh Borough Local Plan Review 2001-2011
- Supplementary Planning Document – Planning Obligations
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Planning obligation contributions are sought to offset the impact of the development on local infrastructure. For this development contributions are sought towards *Sustainable Transport and Environmental Improvements to Eastleigh Town Centre.* The applicant has secured the contributions through an appropriate Unilateral Undertaking.

The projects and measures identified for contribution expenditure will comply with the 3 tests set out in Regulation 122 of the Community Infrastructure Levy 2010, in that the monies would go towards the projects which are directly related to the development, and are fairly and reasonably related in scale and kind to the proposed development. The contributions would be index-linked to ensure the contributions rise in line with the costs of providing the identified projects/measures. The obligations sought are necessary to make the development acceptable in planning terms and to meet the needs generated by the new residents and the potential impact on existing services and facilities.

Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act to make local financial considerations an explicit consideration in the determination of planning applications.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

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ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Principle

The application site lies within the urban edge, in a part of Hedge End that is characterised by out-of-town retail parks. The proposal is to alter/improve the external appearance of the existing within the Bradbeers Retail Park and the principle of this is acceptable.

Design & appearance

The existing buildings are very outdated and somewhat dilapidated. The proposal to enhance the design is therefore welcomed. The design is considered to be in keeping with the surrounding development, and with high quality materials, will significantly enhance the overall attractiveness of this prominent group of buildings. The materials can be secured by condition.

In terms of the car park reconfigurations, these amendments have been approved under previous planning applications. The detail of the landscaping, including species and tree positions, has also been approved by way of discharging conditions attached to previous approvals. This element is therefore considered to be acceptable.

Whilst the extension approved under application F/14/75157 is shown on the plans, this is not something considered under this application and the agent acknowledges this. A separate application will be submitted to amended the design of the approved extension to reflect the changes approved under this application.

HRA screening

With regard to nature conservation, the proposal has been assessed under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 (as amended) and is not considered to result in a likely significant impact on a European Protected site (SPA,SAC, Ramsar) either alone or in combination. It has therefore been screened out from requiring further assessment. Reason: The development is more than 200m from the relevant designated site, and any water course, and is not considered to undermine the conservation objectives or conservation status of the qualifying features.

Highway Issues

The Council's Engineers have raised no objections to the scheme. It accords with previous approvals.

Environmental Impact Assessment

This proposal has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and it is concluded that it is NOT EIA development. It is not Schedule 1 development and falls significantly below the thresholds given in Schedule 2 (10)(Infrastructure projects).

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSIONS

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CONCLUSIONS

Recommendation is to approve with conditions.

The application simply relates to the refurbishment of external elevations. It does not trigger any alterations to the permitted use of the existing floorspace.

Issues that have existed previously in terms of triggering unrestricted retail use transpired in relation to physical works that created new units (for example through sub-division). There are no such works being undertaken here;they are not altering the internal configuration in any way and no new units will be created.

However, even if there was a concern that physical works could result in an unrestricted retail use, that previous loophole has now been closed following the decision of the Courts in respect of *R (**Peel** Land and Property Investments Plc) **v Hyndburn** Borough Council [2012] EWHC 2959.* The Courts found that an application must make it explicit if it intends to also vary the permitted retail use of the floorspace.

There is no requirement to add conditions relating to use to a decision notice granted pursuant to this application.