

13 November 2007

Mr John Whittaker
White Young Green Planning
Academy House
36 Poland Street
London
W1F 7LU

Our Refs: APP/D1780/V/07/1200876
APP/D1780/V/07/1201579

Your Ref: A023413/JDW/hg

Dear Mr Whittaker,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATIONS BY SAINSBURY'S SUPERMARKETS LTD AND FIRST GROUP
PLC – LAND AT PORTSWOOD BUS DEPOT, 224 PORTSWOOD ROAD,
SOUTHAMPTON, S017 2AD (APPLICATION REFS: 05/01407/FUL &
05/01409/OUT)**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Alan Novitzky, BArch MA(RCA) PhD RIBA, who held a public inquiry between 3 and 25 July 2007 into your clients' applications for planning permission for:
 - a) The demolition of existing buildings. Redevelopment of the site to provide a supermarket of 6,907 sq m gross floorspace (Class A1 Retail); provision of 14 residential units; vehicular access from Portswood Road, St Denys Road, and Belmont Road, with a total of 398 car spaces (application ref 05/01407/FUL), dated 18 September 2005 (**Application A**); and
 - b) Demolition of existing buildings. Redevelopment of the site to provide a supermarket of 6,907 sq m gross floorspace (Class A1 Retail); provision of 73 residential units; vehicular access from Portswood Road, St Denys Road, and Belmont Road, with a total of 441 car spaces; and a primary health care centre (application ref 05/01409/OUT), dated 18 September 2005 (**Application B**).
2. Instead of being dealt with by the relevant planning authority, Southampton City Council, Application A was called in for decision by the Secretary of State following a direction issued, in pursuance of section 77 of the Town and Country Planning Act 1990, on 30 January 2007; Application B was also called in for decision by the Secretary of State following a direction issued on 24 May 2007.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission for both applications be refused. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

4. The Secretary of State notes that, at the inquiry, the applicant sought to amend proposal A to provide 20 residential units and a total of 325 car spaces, and proposal B to provide 79 residential units, 20 of which would be provided within proposal A, and 43 car spaces in addition to the 325 provided under proposal A (IR3). The Secretary of State, like the Inspector, is content that no prejudice has been caused to any party by these changes and has determined the applications on this basis.
5. Since the close of the inquiry the Secretary of State has received the following correspondence relating to this case:
 - Letter from White Young Green Planning – 14 September 2007

Copies of this correspondence can be made available upon written request to the above address. The Secretary of State considers that the correspondence neither raised significant issues material to the applications before her, nor necessitated reference back to the main parties.

Policy considerations

6. In deciding the applications, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
7. In the case of both applications the development plan comprises the *Regional Spatial Strategy for the South East* (formerly RPG9) published in March 2001, the *Hampshire County Structure Plan Review 1996-2011* (SP) adopted in 2000, and the *City of Southampton Local Plan Review* (LP) adopted in March 2006. The Secretary of State considers that the development plan policies most relevant to the applications are those set out by the Inspector at IR12-23.
8. The Panel Report on the Regional Spatial Strategy for South East England ("The South East Plan") was published on 29 August 2007. The Secretary of State does not consider that it raises any new issues which would either affect her decision on these applications, or require her to refer back to parties for further representations prior to reaching her decision. As the South East Plan has reached an advanced stage towards adoption, the Secretary of State considers it can be accorded some weight in the determination of these applications.

9. Other material considerations which the Secretary of State has taken into account include Planning Policy Statement 1, *Delivering Sustainable Development* (PPS1); Planning Policy Statement 3, *Housing* (PPS3); Planning Policy Statement 6, *Planning for Town Centres* (PPS6); Planning Policy Guidance Note 13, *Transport* (PPG13); Circular 11/95: *Use of conditions in planning permission*; and Circular 05/2005: *Planning Obligations*.

Main issues

10. The Secretary of State agrees with the Inspector that the main considerations in determining these applications are those identified in the call-in letters, set out at the beginning of the Inspector's report, and summarised at IR171.

Town centres and retail matters (PPS6)

Quantitative need

11. The Secretary of State agrees with the Inspector that as the site is in an edge-of-centre location, need for the retail proposals must be demonstrated. She also agrees that, within the city as a whole, there is little evidence of quantitative need for additional convenience goods provision (IR172).
12. For the reasons set out in IR173-177, the Secretary of State agrees with the Inspector that, overall, quantitative need for the convenience element of the store has not been clearly demonstrated and should be regarded as finely balanced. Quantitative need for the comparison element of the store, however, appears clear (IR178).

Qualitative need

13. The Secretary of State agrees with the Inspector that there is a case, in terms of customer choice, for a store with a complementary offer and different pricing structure to Waitrose. She also agrees that there is a strong sustainability case for taking the opportunity to claw back as much as possible of the expenditure leaking from the District Centre, thereby substantially reducing overall travel distances (IR179).
14. The Secretary of State accepts the Inspector's reasoning that the site is well placed to form an extension to the Primary Shopping Area (PSA), with an easily managed and well designed pedestrian connection and that by virtue of its location at the northern end of the District Centre, it would complement Waitrose at the south, and thereby encourage pedestrian flow through the PSA (IR180).

Scale

15. For the reasons set out in IR181-182, the Secretary of State agrees with the Inspector that the scale of the store would not be alien to the role and function of the District Centre, nor the size of its catchment, bearing in mind the location of surrounding stores.

Sequential approach

16. Like the Inspector, the Secretary of State agrees that there are no more sequentially preferable sites, either in Portswood District Centre or other centres in Southampton, and she is also satisfied that the applicants have shown

flexibility with regard to scale, format, car parking provision, and scope for disaggregation (IR183).

Impact

17. For the reasons set out in IR184-192, the Secretary of State agrees with the Inspector's conclusion that, overall, and given its present relative good health, the vitality and viability of the District Centre would not suffer unacceptably under the proposals, and, in some respects, it might benefit (IR193).

Accessibility

18. For the reasons set out in IR194-199, the Secretary of State agrees with the Inspector's conclusion that the proposals would result in good accessibility by choice of means of transport, including enhanced pedestrian accessibility to the District Centre, without harmful effects on traffic levels and congestion. She also agrees that, if the clawback of trade from the catchment to out-of-centre stores were successful, annual savings of some 1.6 million kilometres could be achieved (IR200).

Other local issues

19. The Secretary of State agrees with the Inspector that the relocation of the bus depot, provision of key worker and general needs housing, and health care facilities would enhance social inclusion, and are material considerations in favour of the proposals (IR201).

Conclusion on town centre and retail matters

20. The Secretary of State agrees with the Inspector that the assessment of whether quantitative need for the convenience element of the superstore exists is finely balanced (IR 202). She also agrees that there is a strong case in terms of qualitative need, that the superstore would be of a scale to compete with out-of-centre stores, and be of an appropriate scale to suit the role and function of the District Centre and its catchment (IR202).

21. The Secretary of State also agrees with the Inspector that there are no sequentially preferable sites available, suitable or viable, that the impact of the superstore on existing retail facilities and the health of the Centre would be acceptable, and it would enjoy good accessibility by a choice of means of transport (IR203).

22. The Secretary of State concludes that both applications largely accord with the relevant development plan policies relating to new retail development, as well as the national guidance set out in PPS6.

Transport (PPG13)

23. For the reasons set out in IR204-206, the Secretary of State agrees with the Inspector that the proposals would meet the three objectives of PPG13.

24. The Secretary of State notes that the level of car parking proposed is less than maximum levels derived from PPG13 and those indicated in the Hampshire Parking Strategy and Standards (IR207). She further notes that parking

standards are refined in the Local Plan, where an additional level of accessibility is defined, which points to a provision of only 150 parking places (IR208).

25. For the reasons set out in IR209-210, the Secretary of State agrees with the Inspector's conclusion that the level of parking proposed is appropriate (IR211). She concludes that the proposals accord with the relevant development plan policies and national guidance, as set out in PPG13.

Housing and urban design (PPS1 & PPS3)

Housing need

26. The Secretary of State agrees with the Inspector that the provision of housing as an element of the proposals' mix, alongside retail and health care facilities (in the case of Application B) is a commendably sustainable course of action, in accordance with the aims of PPS3 (IR212).

27. The Secretary of State notes that there is an identified annual shortfall of affordable housing across Southampton. For the reasons set out in IR213, the Secretary of State agrees with the Inspector that the site would be an excellent location for the key worker housing as it could be built to an appropriate density for its central accessible location, with a mix of dwelling types, satisfying LP policy. She further agrees with the Inspector that the proposed affordable housing provision of 25% of dwellings (in Application B) would accord with the relevant LP policies, provided it were dispersed amongst the private element of the scheme (IR214).

Design

28. The Secretary of State agrees with the Inspector that, as illustrated on the scheme drawings, both the key worker and general needs housing would be based on a deck access arrangement, involving severe privacy and noise difficulties, which would have an unacceptable effect on living conditions (IR215). The Secretary of State notes that, with regard to Application B, the details of housing are reserved for later decision; Application A involves approval of the layout of the key worker dwellings (IR215).

29. Whilst noting that, at the inquiry, the applicants suggested an alternative internal arrangement, and agreed a condition requiring the internal layout of the residential units to be approved before the start of development (IR216), the Secretary of State, for the reasons set out in IR217, agrees with the Inspector that the noise and fumes generated would have an unacceptable impact on the living conditions.

30. The Secretary of State further agrees with the Inspector (IR218) that the design of the open car park, with between one and a half and two levels devoid of street level visual activity, albeit with some shielding provided by soft landscaping, does not accord with the principles of PPS1, in that it fails to take the opportunities available for improving the character and quality of the area (IR219).

31. For the reasons set out in IR220, the Secretary of State agrees with the Inspector that the underlying problems of site configuration make both proposals unacceptable.

Conclusion on housing and design

32. The Secretary of State accepts that both proposals accord with the relevant development plan policies and national guidance on sustainability, housing need, housing mix, and provision of affordable housing. However, like the Inspector, she considers that both applications conflict critically with the development plan in terms of their effect on the living conditions of the occupants of the proposed dwellings, and on the quality of the built environment (IR230).

Other matters

Trees

33. The Secretary of State notes that the site is currently well wooded and that many of the trees are protected and would be lost under the proposals. She agrees with the Inspector's conclusion in IR221 that there is scope for retaining most of the significant trees and the planting of semi-mature trees to restore the character of the protected groups as a whole.

Overall conclusions

34. The Secretary of State agrees that the site is in a sustainable location. Whilst accepting that quantitative need for the convenience element of the proposals is finely balanced, she is content that the applications largely accord with the relevant development plan policies and national guidance on town centre development. The Secretary of State concludes that the applications accord with development plan policies and national guidance around housing need, mixed use development, previously developed land, and affordable housing.

35. However, like the Inspector, the Secretary of State concludes that the configuration of both the key worker housing and superstore car park are unacceptable because of the effect on occupants' living conditions and the character of the area, and this is a major conflict with the relevant development plan policies and design guidance in PPS1 and PPS3.

36. The Secretary of State has considered whether the benefits of the proposed reuse of the site outweigh the conflicts with development plan and national policies on design but, like the Inspector, she believes that there are opportunities for alternative arrangements for site configuration which would resolve these difficulties. The Secretary of State concludes that the identified conflicts outweigh the undoubted benefits of the proposal.

Formal decision

37. Accordingly, and for the reasons given above, the Secretary of State agrees with the Inspector's recommendations. She hereby:

- Refuses planning permission for the demolition of existing buildings. Redevelopment of the site to provide a supermarket of 6,907 sq m gross floorspace (Class A1 Retail); provision of 14 residential units; vehicular access from Portswood Road, St Denys Road, and Belmont Road, with a

total of 398 car spaces (application ref 05/01407/FUL), dated 18 September 2005, as amended at the planning inquiry, (Application A); and

- Refuses planning permission for demolition of existing buildings. Redevelopment of the site to provide a supermarket of 6,907 sq m gross floorspace (Class A1 Retail); provision of 73 residential units; vehicular access from Portswood Road, St Denys Road, and Belmont Road, with a total of 441 car spaces; and a primary health care centre (application ref 05/01409/OUT), dated 18 September 2005, as amended at the planning inquiry, (Application B).

Right to challenge the decision

38. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

39. A copy of this letter has been sent to Southampton City Council and to all parties who appeared at the inquiry.

Yours sincerely

Richard Watson

Authorised by the Secretary of State to sign in that behalf