

# Planning and Rights of Way Panel (WEST)

Tuesday, 14th July, 2015  
at 6.00 pm

## **PLEASE NOTE TIME OF MEETING**

Conference Room 3 and 4 - Civic  
Centre

This meeting is open to the public

### **Members**

Councillor Denness (Chair)  
Councillor Lloyd (Vice-Chair)  
Councillor Claisse  
Councillor L Harris  
Councillor Mintoff

### **Contacts**

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## **PUBLIC INFORMATION**

### **Role of the Planning and Rights of Way Panel**

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

**Public Representations:** -At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

### **Southampton City Council's Priorities**

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

**Smoking policy** – The Council operates a no-smoking policy in all civic buildings

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

**Use of Social Media:-** The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting

**Fire Procedure** – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

**Access** – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

### **Dates of Meetings: Municipal Year 2015/16**

<b>Planning and Rights of Way - EAST</b>	
<b>2015</b>	<b>2016</b>
23 June 2015	19 January 2016
4 August	1 March
15 September	12 April
27 October	
8 December	

<b>Planning and Rights of Way - WEST</b>	
<b>2015</b>	<b>2016</b>
2 June 2015	9 February 2016
14 July	22 March
25 August	3 May
6 October	
17 November	
22 December	

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Rules of Procedure**

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### **Quorum**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

## **DISCLOSURE OF INTERESTS**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### **DISCLOSABLE PECUNIARY INTERESTS**

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

Agendas and papers are available via the Council's Website

### 1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

### 2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

### 3 STATEMENT FROM THE CHAIR

### 4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 6)

To approve and sign as a correct record the Minutes of the meeting held on 2 June 2015 and to deal with any matters arising, attached.

## CONSIDERATION OF PLANNING APPLICATIONS

### 5 THE GARDEN COTTAGE, 15/00235/FUL (Pages 11 - 34)

Report of the Planning and Development Manager recommending that delegated authority be granted in respect of an application for a proposed development at the above address, attached.

### 6 32 ARCHERS ROAD, 15/00824/FUL (Pages 35 - 52)

Report of the Planning and Development Manager recommending that delegated authority be granted in respect of an application for a proposed development at the above address, attached.

### 7 253 PORTSWOOD ROAD, 14/01981/FUL (Pages 53 - 80)

Report of the Planning and Development Manager recommending that conditional approval be granted in respect of an application for a proposed development at the above address, attached

**8** **253 PORTSWOOD ROAD, 14/01941/FUL**  
(Pages 81 - 100)

Report of the Planning and Development Manager recommending that conditional approval be granted in respect of an application for a proposed development at the above address, attached.

**9** **383 SHIRLEY ROAD, 15/00770/FUL**  
(Pages 101 - 112)

Report of the Planning and Development Manager recommending that conditional approval be granted in respect of an application for a proposed development at the above address, attached.

**10** **119A-123 BITTERNE ROAD WEST, 15/01037/FUL**  
(Pages 113 - 128)

Report of the Planning and Development Manager recommending that conditional approval be granted in respect of an application for a proposed development at the above address, attached.

**11** **238 HILL LANE, 15/00973/FUL**  
(Pages 129 - 138)

Report of the Planning and Development Manager recommending that conditional approval be granted in respect of an application for a proposed development at the above address, attached.

**12** **121-127 REDBRIDGE ROAD, 15/00189/FUL**  
(Pages 139 - 154)

Report of the Planning and Development Manager recommending that conditional approval be granted in respect of an application for a proposed development at the above address, attached.

Monday, 6 July 2015

HEAD OF LEGAL AND DEMOCRATIC SERVICES

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PLANNING AND RIGHTS OF WAY PANEL (WEST)  
MINUTES OF THE MEETING HELD ON 2 JUNE 2015

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Present: Councillors Denness (Chair), Lloyd, Claisse, L Harris and Mintoff

1. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED** that the Minutes of the Meeting held on 21 April 2015 be approved and signed as a correct record.

2. **ELECTION OF VICE CHAIR**

**RESOLVED** that Councillor Lloyd be elected as Vice-Chair for the 2015/2016 Municipal Year.

3. **366-368 SHIRLEY ROAD, 14/01608/FUL**

The Panel noted that the application had been withdrawn in order that policy issues could be clarified and updated within the report.

4. **BANISTER GRANGE, BANISTER ROAD, 15/00110/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Provision of an additional floor on the existing residential block to provide six new two bedroom flats.

Mr Pettman (Local Resident/objecting), Mr Edwards (Banister Mews Residents' Association/objecting) and Councillors Moulton and Parnell (Ward Councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a change to the recommendation to incorporate an additional clause to the Section 106 Agreement.

**RESOLVED** to refuse planning permission for the reasons set out below:

**Reasons for Refusal**

REASON FOR REFUSAL - Insufficient information on parking.

The intensification of the use of the site with no car parking to support it could, in the absence of an existing on-street parking survey to justify the proposed level of parking for the site, result in localised overspill parking from the development to the detriment of existing neighbours who are reliant on the street for parking and who would then face

further competition for space and the possibility of parking further away from their homes. The development proposal is therefore contrary to approved Policy SDP1 (i) of the Amended Local Plan review (2015) and the requirements of the Council's Approved Parking Standards SPD (2011).

REASON FOR REFUSAL – Over intensive use of the site.

Banister Grange is already considered to be a building of considerable mass and the addition of a fourth storey would add very noticeably to its bulk, particularly in views of the centre of its frontage. As altered it would look somewhat oppressive and un-neighbourly because of its height and scale. The increased density would result in an overdevelopment and over intensive use of the site, additional traffic moving in and around the site (both on foot and in cars) will lead to more noise and disturbance particularly to ground floor residents. The scale of such activity will seriously detract from the living conditions. As such the proposal is contrary to policies SDP1 (i) and SDP9 (i) and (v) of the Amended Local Plan Review (2015) and Policy CS13 of the amended Local Development Framework Core Strategy Development Plan Document (2015).

REASON FOR REFUSAL - Lack of Section 106 Agreement to secure planning obligations.

In the absence of a Section 106 agreement the development fails to mitigate its impact in the following areas:

- (i) Contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- (ii) Obligations to preclude residents from obtaining parking permits for the Council's Controlled Parking Zones.
- (iii) Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- (iv) Financial contribution towards the Solent Disturbance Mitigation Project (SDMP) in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended).

RECORDED VOTE to refuse planning permission.

FOR: Councillors Denness and Lloyd  
AGAINST: Councillors L Harris, Claisse and Mintoff



5. **BANISTER SCHOOL, ARCHERS ROAD, 15/00486/R3CFL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a variation of a condition of a previous planning permission ref 12/00489/R3CFL at the above address.

Variation of condition 15 of previous planning permission ref 12/00489/R3CFL to allow use of the external staircase by pupils during two periods of the school day.

Mr Price (Chair of Mayfair Gardens Residents' Association/objecting), Mr Hocking (Business Manager, Banister School/Applicant) and Mr Stansfield (Agent) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to paragraph 5.3, third last line to read "the rear garden of **23 Mayfair Gardens.**"

**RESOLVED** to refuse planning permission in respect of a variation of condition 15 of a previous planning permission ref 12/00489/R3CFL for the reason set out below:

Reasons for Refusal

REASON FOR REFUSAL – Impact on Residential Amenity

The proposed relaxation of condition 15 would result in additional noise and disturbance with children using the external metal staircase on a regular basis. This would be to the detriment of existing residential amenity of neighbours in Mayfair Gardens and is, therefore, contrary to policies SDP1(i) and SDP16 of the amended City of Southampton Local Plan Review (2015).

RECORDED VOTE to refuse planning permission.

FOR: Councillors Mintoff and Lloyd

AGAINST: Councillors Denness, Claisse and L Harris

6. **7 CARLTON ROAD, 15/00484/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Erection of a two storey side extension.

Mr Bradford (Agent) and Mrs Barter (Local Resident/objecting) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that planning permission be granted subject to the conditions listed in the report and the additional condition set out below.

Additional condition

05. APPROVAL CONDITION - Number of Occupiers [performance condition]

The number of occupiers within the property, in connection with the development hereby approved, shall not exceed 6 persons, unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

In the interest of protecting the residential amenity of local residents from intensification of use and define the consent for the avoidance of doubt.

7. **9 CARLTON ROAD, 15/00489/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Change of use from existing class C4 HMO, one-bedroom flat and treatment room to a seven-bedroom HMO. Two storey side extension and creation of amenity space (resubmission of 14/01687/FUL).

Mr Bradford (Agent) and Mrs Barter (Local Resident/objecting) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that planning permission be granted subject to the conditions listed in the report.

8. **11 CARLTON ROAD, 15/00483/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Erection of a two storey side extension.

Mr Bradford (Agent) and Mrs Barter (Local Resident/objecting) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that planning permission be granted subject to the conditions listed in the report.

9. **13 CARLTON ROAD, 15/00485/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Erection of a two storey side extension.

Mr Bradford (Agent) and Mrs Barter (Local Resident/objecting) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that planning permission be granted subject to the conditions listed in the report and the additional condition set out below.

Additional Condition

APPROVAL CONDITION - Number of Occupiers [performance condition]

The number of occupiers within the property, in connection with the development hereby approved, shall not exceed 6 persons, unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

In the interest of protecting the residential amenity of local residents from intensification of use and define the consent for the avoidance of doubt.

10. **17 CARLTON ROAD, 15/00482/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Erection of a two storey side extension.

Mr Bradford (Agent) and Mrs Barter (Local Resident/objecting) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that planning permission be granted subject to the conditions listed in the report.

11. **17 CARLTON ROAD, 15/00398/MMA**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a Minor Material Amendment at the above address.

Minor Material Amendment to remove condition 3 (permitted development restriction) of planning permission reference 14/01427/FUL (change of use from a six-bedroom House In Multiple Occupation to a seven-Bedroom House In Multiple Occupation)

Mr Bradford (Agent) and Mrs Barter (Local Resident/objecting) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that planning permission be granted in respect of a Minor Material Amendment, subject to the conditions listed in the report.

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# Agenda Annex

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 14<sup>th</sup> July 2015 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	AL	DEL	5	15/00235/FUL The Garden Cottage
6	AL	DEL	5	15/00824/FUL 32 Archers Road
7	SB/JT	CAP	5	14/01981/FUL 253 Portswood Road
8	LG	CAP	5	14/01941/FUL 253 Portswood Road
9	MP	CAP	5	15/00770/FUL 383 Shirley Road
10	SB/JT	CAP	5	15/01037/FUL 119a -123 Bitterne Road West
11	JF	CAP	5	15/00973/FUL 238 Hill Lane
12	JF	CAP	5	15/00189/FUL 121-127 Redbridge Road

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

AL – Anna Lee  
SB – Stuart Brooks  
MP – Mat Pidgeon

LG – Laura Grimason  
JT – Jenna Turner  
JF – John Fanning

## Southampton City Council - Planning and Rights of Way Panel

### Report of Planning & Development Manager

#### Local Government (Access to Information) Act 1985

#### Index of Documents referred to in the preparation of reports on Planning

##### Applications:

##### Background Papers

1. Documents specifically related to the application
  - (a) Application forms, plans, supporting documents, reports and covering letters
  - (b) Relevant planning history
  - (c) Response to consultation requests
  - (d) Representations made by interested parties
  
2. Statutory Plans
  - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
  - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
  - (c) Local Transport Plan 2006 – 2011 (June 2006)
  - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
  - (e) Adopted City Centre Action Plan (2015)
  - (f) Community Infrastructure Levy Charging Schedule (2013)
  
3. Statutory Plans in Preparation
  
4. Policies and Briefs published and adopted by Southampton City Council
  - (a) Old Town Development Strategy (2004)
  - (b) Public Art Strategy
  - (c) North South Spine Strategy (2004)
  - (d) Southampton City Centre Development Design Guide (2004)
  - (e) Streetscape Manual (2005)
  - (f) Residential Design Guide (2006)
  - (g) Developer Contributions SPD (September 2013)
  - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
  - (i) Women in the Planned Environment (1994)
  - (j) Advertisement Control Brief and Strategy (1991)
  - (k) Biodiversity Action Plan (2009)
  - (l) Economic Development Strategy (1996)
  - (m) Test Lane (1984)
  - (n) Itchen Valley Strategy (1993)
  - (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)

- (p) Land between Alder Moor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)\*
- (dd) Bassett Avenue Character Appraisal (1982)\*
- (ee) Howard Road Character Appraisal (1991) \*
- (ff) Lower Freemantle Character Appraisal (1981) \*
- (gg) Mid Freemantle Character Appraisal (1982)\*
- (hh) Westridge Road Character Appraisal (1989) \*
- (ii) Westwood Park Character Appraisal (1981) \*
- (jj) Cranbury Place Character Appraisal (1988) \*
- (kk) Carlton Crescent Character Appraisal (1988) \*
- (ll) Old Town Conservation Area Character Appraisal (1974) \*
- (mm) Oxford Street Conservation Area Character Appraisal (1982) \*
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)\*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)\*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)\*
- (tt) Old Woolston Development Control Brief (1974)\*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

\* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

#### 5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)
- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines

- (g) Freight Transport Association - Design for deliveries
  - (h) DETR Traffic Advisory Leaflets (various)
6. Planning related Government Circulars in most common use
- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
  - (b) Environmental Impact Assessment 2/99
  - (c) Planning Controls over Demolition 10/95
  - (d) Planning and Affordable Housing 6/98
  - (e) Prevention of Dereliction through the Planning System 2/98
  - (f) Air Quality and Land Use Planning 10/97
  - (g) Town and Country Planning General Regulations 19/92
7. Government Policy Planning Advice
- (a) National Planning Policy Framework (27.3.2012)
  - (b) National Planning Policy Guidance Suite
8. Other Published Documents
- (a) Planning for Daylight and Sunlight - DOE
  - (b) Coast and Countryside Conservation Policy - HCC
  - (c) The influence of trees on house foundations in clay soils - BREDK
  - (d) Survey and Analysis - Landscape and Development HCC
  - (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
  - (f) Shopping Policies in South Hampshire - HCC
  - (g) Buildings at Risk Register SCC (1998)
  - (h) Southampton City Safety Audit (1998)
  - (i) Urban Capacity Study 2005 – 2011 (March 2006)
  - (j) Strategic Housing Land Availability Assessment (March 2013)
9. Other Statutes
- a) Crime and Disorder Act 1998
  - b) Human Rights Act 1998



# Agenda Item 5

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 14<sup>th</sup> July 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> The Garden Cottage, Bassett Wood Drive, Southampton			
<b>Proposed development:</b> Subdivision of existing dwelling into two flats (one x 2 bedroom, one x 3 bedroom) with single storey extension to the south elevation, porch to the north elevation, alterations to the roof and changes to windows (resubmission)			
<b>Application number</b>	15/00235/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	24.04.2015	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr L Harris Cllr B Harris Cllr Hannides
<b>Referred by</b>	N/A	<b>Reason:</b>	N/A

<b>Applicant:</b> Mr And Mrs D Rai	<b>Agent:</b> William J Penny Architect
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development is considered to satisfactorily address the previous reasons for refusal and the Planning Inspectorates decision for the reasons given in the report to the Planning & Rights of Way Panel on 14<sup>th</sup> July 2015. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SPD 4, SDP5, SDP7, SDP9, SDP13, SDP22, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History
3	14/01688/FUL - Appeal Decision		

### **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to *either* the completion of a S.106 Legal Agreement to secure mitigation towards the Solent Disturbance Mitigation Project in accordance with LDF Policy CS22 (as amended 2015) and the Conservation of Habitats and Species Regulations 2010 *or* the contribution being made in full. In the event that the necessary mitigation is not made within 1 month from date of this Panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to mitigate against the scheme's direct impacts upon the Solent and Southampton Waters Special Protection Area.
2. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

### **1.0 Background**

- 1.1 This site has a complicated recent planning history, which is material to the determination of this current application. An application (LPA 13/01571/FUL) for the subdivision of existing dwelling into two flats (1 x 2-bed, 1 x 3-bed), with a single storey extension to south elevation, porch to the north elevation, and alteration to roof (including a replacement window with door on west elevation and additional window) was refused on 22.04.2014. The current scheme seeks to address the two previous reasons for refusal (***see Appendix 2 of this report***) but offers an identical layout to that previously considered. The first reason for refusal related to the impact on the safety and convenience of users of the highway as insufficient information had been provided to demonstrate refuse collection could be provided without leading to issues of highway safety. The second reason was for the impact on residential amenity due to a window fronting 20 Bassett Green Drive leading to a loss of privacy.
- 1.2 Since that decision an appeal for non-determination has been dismissed by the Planning Inspectorate on 1<sup>st</sup> May 2015 for an application (LPA 14/0916688/FUL) that sought to subdivide the plot and provide an additional dwelling within the rear garden. The Panel voted to refuse the scheme on 27<sup>th</sup> January 2015 and the appeal was defended on the basis of poor access and a lack of refuse management. The Planning Inspectorate agreed with the first suggested reason for refusal, but not the second as they felt future occupiers could arrange the refuse collection independently and it didn't need to be sought with a legal agreement. A copy of this decision is attached at ***Appendix 3***.

### **2.0 The site and its context**

- 2.1 The property is a chalet style bungalow which has over time been converted into a two storey dwelling. The current property has five bedrooms following

permission for an extension to the roof in 1992 (920143/W). The property is accessed via a trackway from Redwood Way/ Basset Green Road. The track way is long, narrow and in the ownership of the City Council and, although not a designated public right of way, it is used by the public and has been for many years. It serves two properties; Garden Cottage and Oak House.

- 2.2 The track and the land on the other side of the track is designated in the Local Plan as public open space. The application site lies within 4 metres of the Bassett Wood Greenway Site of Importance for Nature Conservation (SINC), which is designated for ancient woodland and semi-improved grassland. These habitats are likely to support a range of protected species including bats. The site has been cleared leaving only the boundary trees. Within the site are two pine trees which are protected by Tree Preservation Orders (TPO). One lies on the northern boundary close to the track and the other is located on the eastern boundary adjacent to the Redwood Way.

### **3.0 Proposal**

- 3.1 The proposal seeks to subdivide the dwelling into two units (one two-bed and one-three bedroom) by extending the property with a single storey extension to the rear and a porch and roof alterations. The application seeks C3 (dwelling) use.
- 3.2 The first unit has a kitchen and lounge at ground floor and then at first floor there are three bedrooms and a bathroom proposed. The second unit has two bedrooms, a lounge, kitchen and the rear extension and no accommodation within the first floor. The existing window at first floor is to be removed and a rooflight window is proposed, to prevent overlooking, to serve the second bedroom. The garden to the rear is to be amenity space for the two bed and the garden area to the front is for the three bed unit, thereby ensuring that there will be no net loss of family housing. The amenity space provided is sufficient and meets the requirements set out in the Council's approved Residential Design Guide (RDG).

### **4.0 Relevant Planning Policy**

- 4.1 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**.
- 4.2 All developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 4.3 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.

### **5.0 Relevant Planning History**

- 5.1 15/00548/PLDC Pending Decision  
Application for lawful development certificate for proposed use of a front extension.
- 5.2 14/01688/FUL Appeal Dismissed 01.05.2015  
Erection of a four bedroom detached dwelling to the rear of property.  
**(The decision notice is attached at Appendix 3)**
- 5.3 13/01571/FUL Refused 22.04.2014  
Subdivision of existing dwelling into two flats (1 x 2-bed, 1 x 3-bed), with single storey extension to south elevation, porch to north elevation, and alteration to roof. Replacement window with door on west elevation and additional window. Reasons for refusal are set out at **Appendix 2**.
- 5.4 920143/W Conditionally Approved  
13.04.1992  
Construction of new roof to form accommodation at 1<sup>st</sup> floor level
- 5.5 1622/W21 Refused 06.09.1983  
Erection of 2 detached bungalows on land opposite garden cottage.

## **6.0 Consultation Responses and Notification Representations**

6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (06.03.2015). At the time of writing the report **18** representations have been received from surrounding residents including one from the North East Bassett Residents Association (NEBRA) and Ward Cllr Hannides in support of NEBRA's commentary. The following is a summary of the planning related points raised:

### **6.2 The narrowness of the track would lead to issues of highway safety.**

#### Response

The proposed development does not provide further bedrooms compared with the existing unit and therefore the number of trips is not going to dramatically increase. Furthermore, highways officers have not raised objections to the application.

### **6.3 The proposal would detract from the greenway and the wildlife (bats) that live there.**

#### Response

No objection has been raised by the Planning Ecologist on these grounds and this issue was not a concern when previous applications were considered.

### **6.4 Overdevelopment of the site**

#### Response

The density of the development is 20 dwellings per hectare which is lower than the density set out in policy CS5 for this area and consistent with the low density character of the area. There is only a marginal increase in building footprint.

### **6.5 The proposal results in a loss of privacy to neighbouring properties.**

#### Response

There are no windows on the side elevation fronting 20 Bassett Green Drive as the existing window is to be removed.

**6.6 The refuse storage is going to cause issues of highway safety**

Response

Refuse collection currently takes place from Bassett Green Close as the access track is not suited. In this case to address previous concerns about refuse collection a condition seeking a waste management plan is suggested.

**6.7 The proposal will cause a strain on existing utilities of which the sewage and surface water drainage is of most concern. These drainage systems are already operating at capacity.**

Response

Southern Water are responsible for drainage arrangements and have raised no objections to the application.

**6.8 The bedrooms are small**

Response

The Local Planning Authority has no control over the size of the units as it is controlled by market demand. Prospective residents can take a view ahead of purchase. Furthermore, the rooms identified as bedrooms are already used as such.

**6.9 The construction of the dwelling would lead to damage in the form of wear and tear on the track**

Response

The impact on the track in terms of wear and tear is a civil matter and not a planning issue.

**6.10 Consultation Responses**

**6.11 SCC Highways – No objection raised**

As there are no additional bedrooms being proposed nor a significant amount of floorspace being added there is no clear evidence that there will be an intensified use of the substandard access and track. Suggested conditions require details of cycle storage, details of contractor's compound and wheel cleaning.

**6.12 SCC Trees – No objection raised**

However, tree officers have raised concerns about access for materials and construction and therefore request conditions securing details of the developments construction and tree safeguarding.

**6.13 SCC Ecology – No objection Raised**

This advice is given provided the conversion doesn't lead to a requirement to widen the track and that the area leased for car parking currently opposite the site is to be fenced to prevent further encroachment.

**6.14 Southern Water – No objection subject to an informative requiring connection to the public sewerage system.**

**7.0 Planning Consideration Key Issues**

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

- Previous reasons for refusal/ Planning Inspectorate's decision;
- Principle of development;
- Design and amenity;
- Highway safety;
- Ecology/Tree issues; and
- Development Mitigation

7.2 Previous reasons for refusal/ Planning Inspectorate's decision

7.2.1 The Panel are being asked to consider whether or not this scheme has addressed the concerns raised when the Council refused the earlier conversion scheme. The recent appeal decision for a different scheme also provides some helpful commentary on the key issues and forms a material consideration.

7.2.2 An identical scheme was previously refused (application 13/01571/FUL) for the failure to provide sufficient refuse storage and that it would result in a loss of privacy to the adjacent property. The reasons for refusal are set out in full at **Appendix 2**. Prior to the appeal decision for the dwelling in the rear garden the Council felt a S106 legal agreement would be required to secure the refuse collection as the bins would need to be housed off-site on collection day (on either third party or Council land). However, following the appeal decision and advice from the Council's legal team a condition requesting a waste management plan is now considered to be more appropriate. The Planning Inspector in his decision stated;

7.2.3

*'it is not unusual for residents of dwellings along private roads to have to take rubbish bins out to the nearest public road for collection. It is not clear from the representations why collection of waste and recycling from the proposed dwelling would have to be by way of private collection service using a vehicle. A S106 planning obligation related to this matter would be unnecessary to make the development acceptable in planning terms (one of the Community Infrastructure Levy or 'CIL' tests).*

7.2.4 With respect to the second reason for refusal the revised scheme removes the existing side window on the elevation fronting 20 Bassett Green Close preventing a loss of privacy. The changes set out above seek to address the Council's previous reasons for refusal. The application still needs to be assessed against the development plan taking account of the following issues:

7.3 Principle of development

7.3.1 The application site is located within a residential area with properties which greatly vary in size and style. The site lies in an area defined as having/requiring a lower density of development. The proposal provides two units including a family sized unit both with private gardens. The density of the development is 20 dwellings per hectare which is lower than the density set out in policy CS5 for this area and consistent with the character of the area.

7.3.2 The proposal will also help towards meeting the Council's housing supply requirements as set out in policy CS4 by delivering an extra dwelling.

Furthermore, no net loss of family housing is proposed.

7.3.3 The proposal does result in a subdivision of the existing unit but it is carried out in an appropriate manner as sufficient space is provided for both units in terms of amenity space, car parking and overall design. As such, the introduction of a further unit in the manner proposed is deemed acceptable in principle.

#### 7.4 Design and Amenity

7.4.1 The proposed development only provides a minimal increase in floor space as it provides a porch, small rear extension and slight increase in floorspace in the roof by altering the roof. After assessing the built element of this proposal in terms of its impact, the most affected neighbours are the occupiers to the south at 20 Bassett Wood Drive. It is noted that the proposal will have an impact on this property in terms of an altered outlook but the impact is not significant enough to warrant a reason for refusal. The earlier scheme was not refused on this basis.

7.4.2 The previous application was refused for loss of privacy to the neighbour at 20 Bassett Wood Drive. The existing window in the side elevation fronting the property is a clear pane of glass and would have served bedroom two of the three bed unit. This window has been removed and a rooflight has been added instead therefore removing the previous reason for refusal. The use of a rooflight solution is acceptable given that the dwelling benefits from a decent outlook from all other rooms. In terms of the properties at Redwood Way it is considered that the distance, and dense boundary treatment surrounding the site, would prevent a harmful impact. The proposed development will not give rise to a harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance and the orientation of the proposed dwellings in relation to neighbouring properties.

7.4.3 With respect to the amenities of the future occupiers the proposal provides units with habitable rooms that have sufficient outlook and light. The amenity space per unit is sufficient and usable so meets the amenity requirements set out in the Residential Design Guide. The smaller unit would have the smaller private garden (150sq.m). The retained family dwelling would have access to approximately 660sq.m. In addition, sufficient car parking (6 spaces) and cycle storage has been provided.

7.4.4 The total number of bedrooms proposed is 5 which is identical to the number of bedrooms currently at the property. As the property has been historically used as a house of multiple occupation (prior to the Council's Article 4 Direction becoming effective) or even now with a family with older children with cars, it is unlikely that the subdivision of the site to create an extra unit would detrimentally impact the residential amenities of the area. The noise and disturbance created by this extra unit would be minimal and there is no evidence to suggest otherwise. As the number of people being housed in the two units (in comparison to now) likely to be negligible it is hard to argue over development. The scheme has therefore been assessed as compliant with Local Plan Policy SDP1(i) as it relates to existing neighbouring amenity and provides a suitable development for future occupiers.

#### 7.5 Highway safety

- 7.5.1 Highway Officers have looked carefully at this scheme taking into account the level of development and the Planning Inspectorate's decision. As the proposal does not provide any additional bedrooms it would be hard to argue that there would be a significant increase in the number of trips to the site. It is noted that the Planning Inspector states in the decision letter that *'I am concerned that an additional dwelling would make existing highway safety problems even worse'* but this is on the basis that the new four bed dwelling would intensify the use of the track when added to the existing five bed unit currently on site.
- 7.5.2 The Inspector advises that the *'physical condition of the track is likely to constrain the speed of vehicles using it'* but he also states that the bend in the track prevents drivers being able to see the junction. It is clear that the track is substandard but as the Inspector states *'people driving down it would have some knowledge of these conditions and would drive according to them'*. It is important to note regardless of the poor nature of the access road the appeal decision was based on a scheme for an additional dwelling adding four more bedrooms. This scheme seeks to just subdivide the unit and make a more efficient layout of the 5 existing bedrooms whilst providing the additional dwelling sought.
- 7.5.3 Officers have assessed that the net change in the level of trips generated pre and post development is minimal and doesn't warrant a reason for refusal. The car parking provided (6 spaces in total) is acceptable and exceeds the Council's maximum standards (which would allow for a total of 4 spaces), but a condition is suggested to provide a layout plan of the parking.
- 7.5.4 As the site does not front a public highway the refuse bins associated with the unit would need to be moved a great distance to reach a collection point from where the operatives will collect. Not only is this an inconvenience for occupiers, if the refuse bins were left on the highway either end of the track it would cause issues of highway safety. However, regardless of the previous concerns from highway officers the Planning Inspector, as set out in the appeal decision for the detached unit, felt this issue was not sufficient to refuse a scheme nor was a section 106 legal agreement the correct procedure to secure these details. Therefore, a condition is suggested to secure waste management in line with legal advice and therefore on this basis the scheme addresses the previous reasons for refusal.

## 7.6 Ecology and Tree issues

- 7.6.1 As the site lies adjacent to the Bassett Wood Greenway Site of Importance for Nature Conservation (SINC) the impact of the property on the woodland area in terms of the intensification of the site and trips to and from the site need to be assessed against the potential for impacts upon protected species and local wildlife. The car parking area adjacent to the track is already in situ but the Council's Ecologist has asked for the car parking area to be fenced to prevent further encroachment into the SINC. A condition has been imposed to secure this. The proposed fence would prevent any further overspill of parking in the area which is causing damage to the SINC area.
- 7.6.2 The trees within the site on the boundary provide great amenity value and privacy. Although the existing dwelling is located away from the trees their protection is key and tree protection conditions are recommended to safeguard the trees during development.



## 7.7 Development mitigation

7.7.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application will comply with the requirements of the SDMP and meet the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) once a contribution has been received.

## 8.0 Summary

8.1 The subdivision of the site will assist the City in meeting its housing need. Officers are satisfied with the subdivision of the site and the introduction of a further dwelling, particularly as no additional bedrooms are provided, does not result in an intensification of the site's existing poor access. The current application has, therefore, addressed earlier concerns.

## 9.0 Conclusion

9.1 As such, the application is recommended for approval subject to the conditions set out below and the payment/mitigation required to satisfy the SDMP.

### Local Government (Access to Information) Act 1985

#### Documents used in the preparation of this report Background Papers

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

**ARL for 14/07/2015 PROW Panel**

### PLANNING CONDITIONS

#### **01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

#### **02. APPROVAL CONDITION - Materials to match [Performance Condition]**

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in

all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

**03. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]**

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises, including their ongoing management for collection days, together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

**04. APPROVAL CONDITION - Cycle storage facilities [Pre-Commencement Condition]**

Adequate cycle storage facilities to conform to the Local Planning Authorities standards shall be submitted to and be approved in writing by the Local Planning Authority and be provided within the site before the development hereby permitted commences and such storage shall be permanently maintained for that purpose.

Reason:

To prevent obstruction to traffic in neighbouring roads and to encourage cycling as an alternative form of transport.

**05. APPROVAL CONDITION – Car parking layout [Pre-Commencement Condition]**

Prior to development commencing a detailed plan of the parking area demonstrating where the proposed car parking spaces are to be located and the location and the demarcation of an area to remain clear to allow on-site turning shall be submitted to and be agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved plans prior to the development's first occupation

Reason:

In the interest of highway safety and as the submitted drawings do not provide sufficient information to demonstrate how and where the 6 proposed spaces will be provided.

**06. APPROVAL CONDITION – Boundary treatment around the parking bays and passing bays [Pre-Commencement Condition]**

Prior to development first being occupied a detailed plan setting out the proposed boundary treatment to be implemented around the car parking spaces located within the access way shall be submitted to and be agreed in writing by the Local Planning Authority.

The agreed scheme shall be implemented in accordance with the approved plans prior to the first occupation of the development.

Reason:

To prevent further encroachment into the site of importance for nature conservation (SINC).

**07. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]**

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

**08. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]**

All trees (including the TPO's trees) to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The

fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period

**09. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]**

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

Monday to Friday                    08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays                            09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

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

Reason:

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

**10. APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)**

No commencement of work pertaining to this permission shall be carried out on the site unless and until there is available within the site, provision for all temporary contractors buildings, plant and storage of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site; and the provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the phased works and other operations on the site throughout the period of work required to implement the development hereby permitted in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To avoid undue congestion on the site and consequent obstruction to the access in the interests of road safety.

**11. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]**

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

**12. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]**

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site

and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

### **13. APPROVAL CONDITION – Windows & rooflights**

The alterations to bedroom 2 at first floor level (including the blocking up of an existing window and the insertion of a rooflight as shown on the approved plans) shall be implemented ahead of first occupation of the affected dwelling and retained as approved.

Reason.

In the interests of neighbouring residential amenity.

### **14. APPROVAL CONDITION - Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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**Application** 15/00235/FUL

**APPENDIX 1**

### **POLICY CONTEXT**

#### Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

#### City of Southampton Local Plan Review – (as 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
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
NE4	Protected Species
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
H1	Housing Supply
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)

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**Application** 15/00235/FUL

**APPENDIX 2**

### **Relevant Planning History**

#### **13/01571/FUL**

Subdivision of existing dwelling into two flats (1 x 2-bed, 1 x 3-bed), with single storey extension to south elevation, porch to north elevation, and alteration to roof. Replacement window with door on west elevation and additional window.

01.REFUSAL REASON - Impact on safety and convenience of users of the highway

Without a satisfactory location and means for retrieval after collection the proposed intensification in dwellings would result in additional refuse bins being left on the public highway for long periods of time causing an obstruction to users of the public highway which would create a significant risk to highway safety. In addition, due to the excessive distance bins will need to be moved to and from the public highway with no provision of hardstanding (where the bins can stand clear of the public footpath awaiting collection) being provided this application results in an unacceptable development in terms of highway safety and residential amenity. The proposal is therefore considered to prove contrary to the provisions of saved policies SDP1(i), SDP3, SDP10(ii) and SDP11(i) of the City of Southampton Local Plan Review (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006) - notably Part 9.

02 REASON FOR REFUSAL - Impact on residential amenity

The subdivision of the property into two units by virtue of the change of glazing to the window in the south elevation of the building from obscured to clear glass would result in a harmful loss of privacy to the neighbouring property at 20 Bassett Green Drive. As such the proposal will have an unacceptable impact on residential amenity and is, therefore, contrary to saved policies SDP1(i) of the City of Southampton Local Plan Review (Adopted March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

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## Appeal Decision

Site visit made on 16 April 2015

by **A Harwood CMS MSC MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **01 May 2015**

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**Appeal Ref: APP/D1780/W/14/3001617**

**The Garden Cottage, Bassett Wood Drive, Southampton, SO16 3PT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr M Holmes against Southampton City Council.
  - The application Ref 14/01688/FUL, is dated 10 October 2014.
  - The development proposed is the erection of a 4 bedroom detached dwelling at land adjacent Garden Cottage with associated works.
- 

### Decision

1. The appeal is dismissed and planning permission is refused for a 4 bedroom detached dwelling at land adjacent Garden Cottage with associated works.

### Preliminary Matters

2. The appellant intended to submit a planning obligation in the form of a Section 106 unilateral undertaking in order to resolve some of the Council's objections. An obligation has not been submitted and I return to this below.

### Main Issue

3. The appeal was lodged before the Council reached its decision. However, it was subsequently confirmed that planning permission would have been refused. The reasons have been clarified. The main issue is the effect of an additional dwelling on highway safety along the track leading to the site due to the interaction between vehicles, pedestrians and cyclists.

### Reasons

4. The appeal site is located in a mainly residential area in a woodland setting, with trees playing an important part in softening the character of the area. Dwellings here are set out in a pleasant suburban environment. Garden Cottage is a large traditional property and the site is within its current garden area. Following subdivision, the existing dwelling would retain a garden on its southern side as well as parking spaces, cycle and refuse stores as well as landscaped areas to the north.
  5. The appeal site is located along a track which serves as the access to Garden Cottage and also Oak House further to the south. The vehicular access to the site is from the north along the track which joins Bassett Wood Drive. The site
-

is however closer to where the track joins a footpath and cycle way downhill to the south which in turn links up with the end of Bassett Green Drive. Some of the representations refer to that footpath and cycle way allowing access to the nearby university and the wider area.

6. The access track leading to the site is narrow, un-surfaced, there are no street-lights and there is no pavement or spaces for pedestrians or cyclists to wait for vehicles to pass. There is a bend to the north between the site and the junction with Bassett Wood Drive. There is a gradual slope down towards the site from the junction. It is a lane more typical of a rural area than this suburban part of Southampton but it is reflective of the wooded nature of the immediate surroundings. The physical attributes as well as the informality of the plants and shrubs alongside prevent clear visibility for the full length of the track. When I stood to the side of the brick building proposed to be demolished to create a passing bay, I could see up to and only just beyond the bend looking north. I could not see the junction. From the junction looking towards the site, I could only see as far as the bend to the south.
7. The physical condition of the track is likely to constrain the speed of vehicles using it. As well as the bend, it is narrow, has an uneven surface and in some parts there are also large tree roots protruding above the surface. This is not a through route for vehicles and many people driving down it would have some knowledge of these conditions and would drive according to them. However, the track is a more direct cut through to link up with the footpath and cycle way than going the longer way around Redwood Way. Although I have not been given direct evidence of how many pedestrians and cyclists use the track, it would seem to me to be an attractive route for them.
8. There would be some inter-visibility between drivers of vehicles coming in opposite directions and those drivers would be constrained to low speeds given the condition of the track. Currently vehicles travelling in opposite directions will result in one having to reverse to accommodate the other. Even though the appellants consider this scenario to be unlikely, it would be more likely with the traffic movements of an additional household using the track. That could require one vehicle to reverse back onto the carriageway of Bassett Wood Drive. I am concerned that cars travelling from Redwood Way may not have reasonable visibility of the emerging vehicles and drivers reversing would not see the approaching vehicles. Drivers would also have a strained view when reversing of any other users of the track or those on the footpath alongside the road which crosses the junction. It would be difficult to have a clear view of pedestrians, particularly young children and wheelchair users.
9. The additional passing place and footway proposed near the site would enable a vehicle to wait clear of the track and could improve the present conditions to a small extent at that point. However those improvements would make little difference to the longer section of the track to the north. There would be no improvement to the width of the track where pedestrians, cyclists and wheelchair users have no space to allow a vehicle which may be reversing, to pass. This would be inconvenient and dangerous for those other users.
10. In my experience, it is not unusual for residents of dwellings along private roads to have to take rubbish bins out to the nearest public road for collection. It is not clear from the representations why collection of waste and recycling bins

from the proposed dwelling would have to be by way of private collection service using a vehicle. A S106 planning obligation related to this matter would be unnecessary to make the development acceptable in planning terms (one of the Community Infrastructure Levy or 'CIL' tests).

11. The way in which the Council dealt with a previous application for two smaller dwellings makes no difference to my consideration of the merits of this case. I am concerned that an additional dwelling would make existing highway safety problems even worse. In relation to the main issue, the proposal would result in a further deterioration of highway safety along the existing access due to increased use and interaction between vehicles, pedestrians and cyclists. Policy SDP4 of the City of Southampton Local Plan Review adopted version March 2006 (LP) requires development to only be permitted where access is provided that gives priority to pedestrians, disabled people and cyclists before private transport. This proposal would not achieve that. The proposal would also not comply with LP policies SDP1, SDP11 and T12 or the advice of the National Planning Policy Framework to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

### **Other Matters**

12. The proposals were revised during the planning application process to ensure that impacts upon ecology nearby would be safeguarded. In particular the effects of light pollution would be reduced. The Council has also required a financial contribution of £172 towards the Solent and Southampton Water SPA and Solent Maritime SAC although the appellant has not submitted the S106 planning obligation. I am told that an increase in population and therefore potential recreational activity in these areas can have an adverse impact upon bird species within these designations. The Council has not provided much evidence or documentation related to the Solent Disturbance Mitigation Project. It is not clear in this case given the evidence provided, whether the proposed development would lead to such impacts. It is not clear whether the requested financial contribution would meet the CIL tests<sup>1</sup> or not.
13. The design of the proposed dwelling would be modern and I did see other examples of flat roofed modern dwellings within Bassett Wood Drive which has a varied character. The distinctive nearby trees could be safeguarded during construction. The proposal would therefore have an acceptable impact upon the character and appearance of the area. I also consider the proposal would safeguard living conditions at other nearby dwellings. However, these neutral factors do not outweigh my conclusions on the main issue.

### **Overall Conclusion**

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*A Harwood*

INSPECTOR

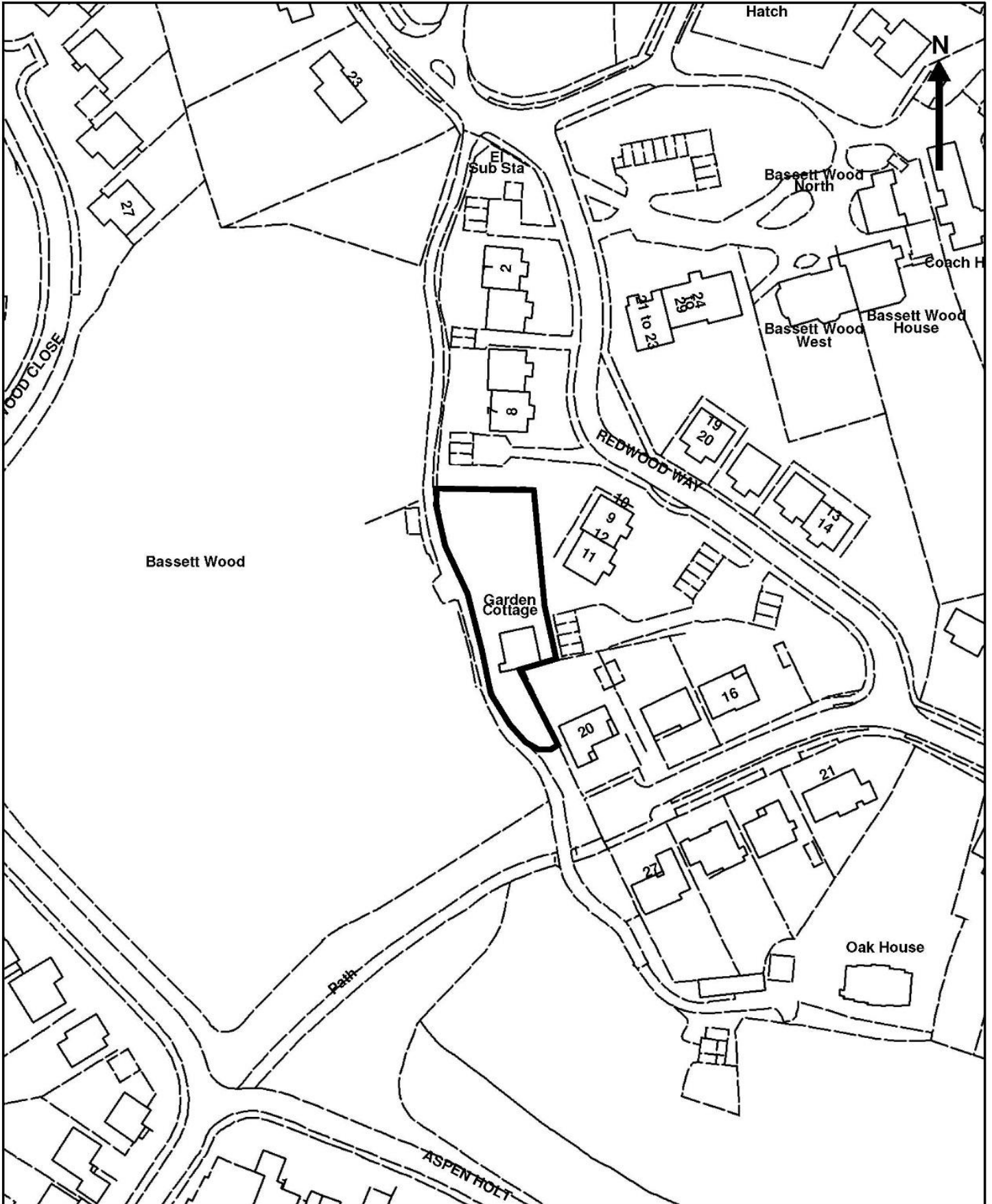
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<sup>1</sup> Necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

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# Agenda Item 5 15/00235/FUL

Appendix 4



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# Agenda Item 6

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 14 July 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 32 Archers Road, Southampton			
<b>Proposed development:</b> External alterations to facilitate conversion of existing private members club into retail (class A1) on ground floor and 4x 2-bed flats on first and second floor, with roof terraces, parking and cycle/refuse storage			
<b>Application number</b>	15/00824/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	07.07.2015	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Request by Ward Member or five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Bogle Cllr Noon Cllr Tucker
<b>Referred by:</b>	N/A	<b>Reason:</b>	N/A

<b>Applicant:</b> Brightbeech Property Ltd	<b>Agent:</b> Savills
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development is considered to satisfactorily address highway safety, impact on residential amenity (noise and privacy) and the character of the area for the reasons given in the report to the Planning & Rights of Way Panel on 14<sup>th</sup> July 2015. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SPD 4, SDP5, SDP11, SDP12, SDP16, H1, H2, H5 H7 and REI8 of the City of Southampton Local Plan Review (March 2006) and CS4, CS6, CS13, CS16, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

### **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to:
  - a) an amended scaled plan showing the front car park with a boundary hedge to the site's Archers Road frontage - detailing the species, planting density and height of hedging to be installed with a commitment to ongoing management; and,
  - b) the completion of a S.106 Legal Agreement to secure:
    - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including any necessary Traffic Regulation Orders to facilitate any changes, in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
    - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
    - iii. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
    - iv. The submission, approval and implementation of (i) a Construction Traffic Management Plan and (ii) post Construction Servicing Management Plan setting out the delivery times and other measures to prevent conflicts with neighbouring users of the road network so as to mitigate against the impact of development accordance with policy CS18 and CS25 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).

In the event that the legal agreement is not completed within two months of date of the decision the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

2. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

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

- 1.1 The application site comprises a characterful two storey detached building, albeit with a third floor of accommodation, which has a current lawful use as a private members club with staff accommodation in the roof space. The existing building is attractive due to its turret feature and bay windows. The building adds to the mixed character of Archers Road but is in need of refurbishment. There are flats

adjacent on either side at Hadley Court immediately to the west and Walton Court to the east. Bannister Primary School is opposite the site. There is a large forecourt area to the front of the site and a car parking area to the rear, which is lawfully used for a private car park as spaces are leased separately from the building use. Archers Road is characterised by large detached buildings with good boundary screening from the street, including mature trees.

## **2.0 Proposal**

- 2.1 The proposal is for a change of use from a private members club to a mixed-use scheme comprising an A1 convenience store of 423sq.m at ground floor, with 4 no.2 bed flats located at first and second floor. This equates to a density of 31 dwellings per hectare. This existing private parking area to the rear is to remain and does not form part of the application site, although 5 of the 45 spaces have been allocated to the residential use. The access to all the residential units is via the existing side entrance which fronts the accessway to the rear of the site. Three units are provided at first floor level with access for two units via the shared amenity space at first floor. The rear unit has private amenity space to the rear. The two amenity areas will be screened to prevent overlooking between the existing and proposed residential properties. At second floor a further unit has been proposed which also has access to the shared amenity space. Each of the units are two-bed, one of the front units and the second floor unit have a separate lounge and kitchen. The other two units are smaller and have their own lounge/kitchen/diner.
- 2.2 Eight parking spaces have been provided for the four flats (ie. 2 spaces per flat), with three of these spaces provided adjacent to the side elevation and accessway and five of these spaces within part of the rear parking area. There is a secure cycle area to the rear of the unit next to the three parking spaces and a residential refuse store is also located next to the side elevation fronting the accessway. There are minor changes proposed to the elevations which involve blocking up some windows at ground floor and first floor mainly on the side elevation to prevent overlooking and to improve the shop layout. The terrace areas are also an addition but overall the property is to be refurbished to bring it back into full use.
- 2.3 In terms of the retail area 10 parking spaces are proposed via an altered vehicular entrance to provide one sole access instead of the existing dual access. Refuse storage for the store is provided to the rear. Delivery vehicles can enter and leave the site in a forward gear to enable loading and unloading. A total of 20 jobs are to be created (5 of which would be full time).

## **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 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 There have been a number of applications approved in connection to the current use of the site. **Appendix 2** refers in more detail. The most relevant is application is 08/01129/ELDC which sought lawful use as a private members club with an associated car park, staff accommodation at third floor and stewards recreational enclosed space at rear of building. However, the most recent application is for the lawful development certificate approved last year.

4.2 An application for a lawful development certificate (LPA 14/02063/ELDC) was made last year and sought to regularise the use of the rear car park for use as private parking.

#### **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (22.05.2015). At the time of writing the report **10** (including two Councillors) representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 Concerned about the lack of parking for the housing/retail unit

##### **Response**

Eight spaces are provided for the four two-bed units which is the maximum parking allowed as set out in the Council's adopted Parking Standards Supplementary Planning Document 2011. In terms of the retail element 10 spaces are provided. Although 21 spaces are the maximum number of spaces that could be provided there are a large number of residential properties within walking distance of the site and due to the site's accessible nature no objection on these grounds has been raised by highway officers.

5.3 Increases the level of congestion along Archers Road and harms pedestrian safety

##### **Response**

Any development has an impact on the highway network and a highway safety improvement package is being sought as part of the S106 legal agreement to help mitigate against any potential highway safety issues. No objection has been raised by Highway Officers on these grounds. There is a pedestrian crossing in very close proximity to the site.

5.4 Noise and litter

##### **Response**

To mitigate noise the Environmental Health Officer has suggested reducing the terminal hour for the shop from 11pm to 10pm but has not objected on other noise grounds. Their comments form a material consideration in this case. The hours of use are to be secured (and monitored for enforcement purposes) via the suggested planning condition. The existing use to be replaced also has the capacity to make noise and cause disturbance. With respect to litter a condition securing refuse bins outside the shop is suggested to prevent littering. The planning system has to plan for reasonable behaviour and on that basis this

scheme is compatible with its context.

5.5 Overlooking

**Response**

The proposal is for a change of use and some of the windows fronting the side elevation of Walton Court serve proposed habitable rooms. The outlook distances required between three storey buildings is 15m and 12m is secured at the narrowest part widening to 17m to the rear. Although the distance is less than required the windows are existing and the proposal is bringing a building back into use. There are no adopted standards for side to side windows (although a separation distance of 21 metres is used as a general rule when assessing back to back separation distances). In terms of Hadley Court many of the existing windows along the application building adjacent to 34 Archers Road are being blocked up or are proposed to be obscured glazed preventing a detrimental loss of privacy. A privacy screen is also proposed to prevent overlooking from the amenity space into the properties at Walton Court and Hadley Court which mitigates the wider impact of intensifying the residential use of the site.

5.6 Out of character

**Response**

The existing property and the rear car park are already commercial premises so although it is a different use the character of the area will not change dramatically. The reuse of this attractive building should be encouraged in principle.

**Consultation Responses**

5.7 **SCC Highways** – No objection subject to the satisfactory completion of the S106 agreement. If the level of financial contribution sought is not provided this application does not have the support of the highways team. This development, opposite the school, has triggered the need to provide additional highway safety measures. In addition conditions to secure the parking layout in line with the approved plans and details of the access point and site lines to be provided are suggested.

5.8 **SCC Sustainability Team** – No comments

**Officer comment**

*The retail element is below the 500sq.m threshold for securing BREEAM 'Excellent' (Building Research Establishment Environmental Assessment Methodology) and the Code for Sustainable Homes requirements are not applied to conversion schemes.*

5.9 **SCC Environmental Health (Pollution & Safety)** – An objection has been received on the basis of the intended hours 07.00 to 23.00 hours, which are considered excessive in this predominantly residential area, particularly considering that deliveries may start at 06.00 hours. A more acceptable range would be 07.00 to 22.00 hours. These hours would allow the local shop to provide a service for local residents rather than catching the passing late night trade. Consideration also needs to be given to the siting of any air con units and the quality of sound insulation between the retail and the residential elements, if the application is granted.

**Officer comment**

*Conditions are suggested to restrict opening times and the S.106 can secure*

*further details of deliveries to prevent disturbance to neighbours and also to prevent conflict with the schools start and finish times.*

- 5.10 **Southern Water** – No objection subject to an informative requiring connection to the public sewerage system.

## **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 and amenity;
- Highway Safety and Parking;
- Landscaping and tree protection;
- Development Mitigation

### **6.2 Principle of Development**

- 6.2.1 The application site is not an allocated site within the Council's Development Plan, but it is located within an area with other residential and non-residential premises. The proposal provides housing units and the proposed residential density of 31 dph is lower than the 50-100 dwellings per hectares set out for this area in policy CS5 of the Core Strategy; partly due to the mixed use nature of the proposal and because the proposal is for the conversion of an existing building. The NPPF introduces a presumption in favour of sustainable housing development. Retaining and utilising the existing building is welcomed and the principle of the proposal is generally supported. The development would create additional housing stock for Southampton as well as providing a mixed use development.

#### 6.2.2

The loss of the private club and conversion to residential use is not judged to amount to the loss of a community facility and therefore the scheme is not contrary to paragraph 70 of the NPPF or LDF Policy CS3. The applicant also considers that the use of the club is different to a community centre where typical community use facilities are found and Officers agree. The city centre is with walking distance and it provides adequate facilities in the area for community use. The Bannister Primary School (opposite) is also party to a community use agreement as part of its permission to redevelop. The building has not been listed as a community asset and it is also noteworthy that objectors to the scheme have not raised the loss of the facility as a significant local concern. There is little public interest in the matter to suggest that an alternative viable use should not be considered in this case.

### 6.3 Design and Amenity

- 6.3.1 The proposed residential flats are accessed via the side elevation adjacent to the vehicular access to the rear of the site. This arrangement does not provide the best location for a safe and convenient entrance for the development, but as this proposal is for a conversion a side access is acceptable. The existing building is retained and only slightly altered by blocking existing windows, but these changes do not detract from the attractive nature of the building. All residential flats have access to the shared amenity space in the form of a first floor roof terrace of approximately 70sq.m. In addition the rear unit has its own private amenity area of some 40sq.m therefore providing amenity space in line with adopted standards (of 20sq.m per flat). In reality the 2 flats with windows fronting the roof terrace are likely to take ownership of this space.
- 6.3.2 With regard to the accommodation provided all rooms have an outlook and adequate light and all units have access to the shared amenity space and the cycle and refuse storage provided.
- 6.3.3 In terms of the impact on the neighbouring residential amenity, although the proposal may have an impact on the occupiers of Walton Court, particularly as the privacy distance falls short of the distance set out in the guidance, only one habitable window faces the development at the nearest point. The impact is not, therefore, a significant one. This window serves a proposed kitchen area and is at first floor level. It looks out onto a blank wall but may have obscure views into the bedroom windows on that part of Walton's Court side elevation. This window is secondary and could be obscured if necessary although for the reason given this is not considered to be necessary. The rest of the habitable windows at first floor will be screened by the terrace screening preventing any overlooking. There are no habitable windows at second floor facing Walton Court. With respect to rear the nearest properties on Cromwell Road are over 60 metres away. The amenity of the existing neighbour at 34 Archers Road will not be affected by the proposed changes as only two obscured glazed windows face the side elevation of this property. The rear terrace area will be screened so no loss of privacy will occur.
- 6.3.4 As such, officers support the reuse of this existing building and the applicant's handling of the constraints that such an approach brings. The design changes are minimal but making more efficient use of the building is a sustainable solution. The scheme is considered to meet the design and amenity requirements of the current development plan for the reasons set out above.

### 6.4 Highway Safety and Parking

- 6.4.1 Archers Road is a class C public highway and high volumes of traffic use this route, and queuing traffic at peak times is normal. Bannister Park Primary school, located on the opposite side of the road, does add to peak time congestion, particularly the during the morning peak. There is a pedestrian traffic light controlled crossing to the west of the site which benefits the school, and other local pedestrians cross away from the traffic signals at the next junction to the east at Carlton Road.
- 6.4.2 The school has encountered problems historically with parents parking nearby at the start and end of the school day, but it is hard to prove that this proposal will exacerbate this current situation further. Currently, at the site to the rear there are

cars parked during the working day and the site is subject to a number of existing turning movements during the morning peak. These do not seem to have contributed to any road traffic incidents. The proposal will generate turning movements throughout the day, although it is normally traffic passing by which use a convenience store such as this, rather than the site generating additional trips along this road.

6.4.3 Local residents have raised concerns that parents may use the car park to drop off and pick up pupils, but this is something the end user of the site will need to self-manage, as the Local Planning Authority has no control over this. It is possible that some children, when leaving school, or starting school, may wish to use the shop, either accompanied by parents or on their own, should this be the case there is a pedestrian controlled crossing available for their use outside of the school.

6.4.4 There is a concern that delivery vehicles may be inclined to stand on the highway to deliver, the application does show delivery vehicles are able to turn on site and make their deliveries from a designated loading area, to support this requirement, a Traffic Regulation Order is proposed, and if it is successful, will prevent deliveries from occurring at the roadside at any time, as enforcement would then be possible. However, this cannot be guaranteed until the order is decided, but is strongly supported by highway officers. This requirement falls within the Section 106 Legal Agreement as well as a package of highway safety measures to improve and safeguard highway safety. A planning condition is also recommended to secure deliveries take place as proposed (ie. to the rear of the building). As such, the proposed scheme is considered to have addressed the highway safety issues arising from introducing a mixed use development opposite an existing school.

6.4.5 In terms of the proposed parking the scheme provides 2 parking spaces per flat and 10 spaces for the retail unit. Both are policy compliant with the residential use achieving the maximum requirement. A parking stress survey has not been requested as Archers Road is currently enforced with double yellow lines and nearby streets are the subject of controlled parking zones. These are located some distance from the site where residents are unlikely to choose to leave their cars. Given the sustainable location of the scheme the proposed level of parking to serve all uses is deemed to be acceptable.

## 6.5 Landscaping and tree protection

6.5.1 The character of area of Archers Road includes hedging to front boundaries. Currently this site's front area is open apart from a low brick wall. This site and street scene would be improved by the inclusion of a landscaping boundary to reduce the harsh appearance of the hard standing area to the front of the proposed store. The officer recommendation is subject to the provision of a landscape boundary as the site's appearance would be greatly enhanced by this feature. There are trees on site but they are located away from where the main works are proposed. In order to protect these trees and the trees located on the boundary on the adjacent sites a condition is suggested.

## 6.6 Development Mitigation

6.6.1 Due to the size of the convenience store (423sq.m) 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). With respect to this application highway safety measures are required to mitigate against the change in nature of the area between this site and the school opposite. In addition the scheme triggers the Community Infrastructure Levy (CIL).

- 6.6.2 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. When the legal agreement is signed and actioned this application will have complied with the requirements of the SDMP and met the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

## **7.0 Summary**

- 7.1 Overall the conversion of the building into four residential units and a convenience store is acceptable as the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers, highway safety issues or to the character and appearance of the area. Therefore the proposals are consistent with adopted local planning policies.

## **8.0 Conclusion**

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

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

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

**ARL for 14/07/2015 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

**02. APPROVAL CONDITION - Materials to match [Performance Condition]**

The materials and finishes to be used for the infilling windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

**03. APPROVAL CONDITION - Hours of Use – A1 use [Performance Condition]**

The shop unit hereby permitted shall not operate (meaning that customers shall not be present on the premises) outside the following hours:

Monday to Sunday and recognised public holidays  
07.00 hours to 22.00 hours (07.00am to 10.00pm)

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties and as requested by the Council's Environmental Health Officer in recognition of the potential impact of a late night use.

*Note to Applicant:*

*The deliveries of goods to the retail unit (including timing to prevent conflict with peak hour traffic and the start and end of the school day) shall be controlled through the S.106.*

**04. APPROVAL CONDITION – Car parking layout & Servicing**

Prior to the first occupation of the development the car parking area and delivery area shown on approved plans shall be provided, surfaced and marked out as approved. Thereafter they shall be retained in perpetuity in line with the approved plan unless otherwise agreed in writing by the Local Planning Authority. In particular:

The 8 parking spaces shall be retained as agreed for the approved residential use.

The 10 parking spaces shown to the front of the building shall be retained as agreed to serve the approved retail use

The retail unit shall take all deliveries from the approved compound the rear of the site as indicated on plan ref: 14-1083-102

Reason:

In the interest of highway safety and to secure appropriate parking and servicing to the commercial use.

**05. APPROVAL CONDITION - Stopping up existing access [Pre-Commencement Condition]**

Notwithstanding the approved plans prior to the commencement of the development further details of the the access alignment (including sight lines) and its construction are to be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in line with the details to be approved. Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

Reason:

In the interest of highway safety.

**06. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]**

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

**07. APPROVAL CONDITION - Litter bin [Performance Condition]**

Litter bins shall be provided on the site and made available for use for the customers of the shop unit hereby approved during trading hours. These bins shall be managed by the commercial operators of the approved retail unit.

Reason:

To prevent littering in the surrounding area.

**8. APPROVAL CONDITION - Cycle storage facilities**

Adequate cycle storage facilities to conform to the Local Planning Authorities standards shall be submitted to and be approved in writing by the Local Planning Authority and be provided within the site before the use hereby permitted is occupied. All storage shall be permanently maintained for that purpose.

Reason:

To prevent obstruction to traffic in neighbouring roads and to encourage cycling as an alternative form of transport.

**9. APPROVAL CONDITION – Amenity space screening height [Pre-commencement Condition]**

Prior to the commencement of development further details of the amenity space/terrace area screening shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall provide details of materials and design for screening to a minimum height of 1.8m on the eastern and western elevations. The approved scheme shall be implemented and retained in accordance with the approved plan prior to the first occupation of the residential use unless agreed otherwise by the Local Planning Authority.

Reason:

Prevent loss of privacy and amenity to neighbouring property

**10. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]**

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the residential use hereby permitted and shall be retained with access to it at all times for the use of the flat units.

REASON:

To ensure the provision of adequate amenity space in association with the approved flats.

**11. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

**12. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [Pre-Commencement Condition]**

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other cooling and condenser units serving the ground floor commercial use have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason:

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

**13. APPROVAL CONDITION - Noise & Vibration (internal noise source) [Pre-Commencement Condition]**

The use hereby approved shall not commence until the building has been modified to provide sound insulation against internally generated noise (noise includes vibration) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The building shall be designed and maintained so that doors and windows can be kept shut, with alternative means of ventilation provided.

Reason:

To protect the amenities of the occupiers of existing nearby properties and prospective residents..

**14. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]**

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species,

- plant sizes and proposed numbers/planting densities where appropriate – including a boundary hedge to the Archer’s Road frontage;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
  - iv. details of any proposed boundary treatment, including retaining walls; and
  - v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

**15. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]**

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period

**16. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]**

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

**17. APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)**

No commencement of work pertaining to this permission shall be carried out on the site unless and until there is available within the site, provision for all temporary contractors buildings, plant and storage of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site; and the provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the phased works and other operations on the site throughout the period of work required to implement the development hereby permitted in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To avoid undue congestion on the site and consequent obstruction to the access in the interests of road safety.

**18. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]**

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

**19. APPROVAL CONDITION – Existing Openings**

Those windows marked on the approved plans as being either bricked up in a matching brick with a recess or fitted with obscured glazing shall be changed prior to the first occupation of the development hereby approved. The building shall remain as approved.

Reason:

In the interests of protecting residential amenity and to secure an appropriate finish to the building's conversion

**20. APPROVAL CONDITION – Active window frontage**

The ground floor retail unit shall retain an active ground floor window frontage to Archers Road without the installation of window vinyls, graphics, shuttering or any other form of design that prevents views into and out of the shop in accordance with a scheme that shall have been agreed in writing with the Local Planning Authority ahead of the first occupation of the retail unit. The retail unit's fenestration shall be retained as agreed.

Reason:

In the interests of visual amenity and to ensure some natural surveillance of the associated car park and wider streetscene

**21. APPROVAL CONDITION - Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H5	Conversion to residential Use
H7	The Residential Environment
REI8	Shopfronts

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)



**Relevant Planning History**

- 05/01272/FUL Conditionally Approved 13.10.2005  
Erection of raised decking area to the front elevation (retrospective).
- 05/00370/FUL Conditionally Approved 02.06.2005  
Installation of folding doors to the front elevation
- 06/00740/VC Refused 12.07.2006  
Variation of condition 3 of Planning Permission 05/00370/FUL to extend the times the bi-fold doors remain open from 20.00 hrs until 22.00 hrs, Monday to Sunday.
- 07/01371/FUL Refused 30.10.2007  
Retrospective application for raised decking area at the rear of the property with balustrade to south elevation and privacy screen fencing to east and south-east elevations.
- 08/01129/ELDC Granted 17.10.2008  
Lawful use as private members club with associated car park, staff accommodation at third floor and stewards recreational enclosed space at rear of building.
- 14/02063/ELDC Granted 09.02.2015  
Application for a lawful development certificate for the existing use of the private car park



Scale: 1:1,250

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# Agenda Item 7

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 14<sup>th</sup> July 2015**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 253-253A Portswood Road			
<b>Proposed development:</b> Variation of condition 4 of planning permission reference 13/01745/FUL to allow the restaurant/cafe premises to open between 07:00 hours and midnight on any day.			
<b>Application number</b>	14/01981/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	21.01.2015	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	More than five letters of objection have been received	<b>Ward Councillors</b>	Cllr Paul O'Neil Cllr Matthew Claisse Cllr Linda Norris

<b>Applicant:</b> Mr Saleem Ahmed	<b>Agent:</b> Mr Les Weymes
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed extension of hours is not considered to materially harm the highway safety, and character and amenity of the local area, whilst preserving the character of the adjacent conservation area and the amenities of occupiers of nearby residential properties. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP16, HE1, REI5, REI7 of the City of Southampton Local Plan Review (March 2006) and CS13, CS14, CS18, CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the Portswood Residents Gardens Conservation Area Appraisal and Management Plan.

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning History
3	Appeal decision 2013	4	Permitted Hours of Operations
5	Appeal decision 2007		

## Recommendation in Full

### Conditionally approve

#### 1.0 Introduction

- 1.1 This application has been submitted concurrently with planning application 14/01941/FUL which seeks planning permission to retain a rear extension and associated air handling units.

#### 2.0 The site and its context

- 2.1 The site is located within the Portswood District Shopping Centre which is predominantly characterised by a range of commercial uses, including food and drink premises. The site is bounded by a service track to the rear which runs alongside the rear gardens of the residential properties in Abbots Way. The boundary of the Portswood Residents Gardens Conservation Area follows the rear edge of the gardens of these properties.
- 2.2 The application site itself contains a two-storey building split into two commercial premises at ground floor, comprising a Use Class A3 ice cream parlour (subject of this application) and a Use Class A2 professional use. Permission has been previously granted to convert the first floor into two small HMO (class C4) units (4 bedrooms).

#### 3.0 Proposal

- 3.1 It is proposed to extend the current hours of the Ice Cream Parlour 'Scoops' from 07:00 to 21:00 hours Monday to Sunday to 07:00 and midnight on any day of the week.
- 3.2 A separate application (ref no. 14/01941/FUL) for the retention of the single storey rear extension is currently being considered. This includes the retention of the air conditioning units to the rear of the premises.

#### 4.0 Relevant Planning Policy

- 4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 4.2 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.
- 4.3 Saved policy REI5 (District Centres) requires development to be in scale with the District Centre and should maintain, and where possible enhance its vitality and viability. Policy REI7 (Food and Drink Uses) permits A3 uses providing that

suitable conditions are used to control the impact on amenity to local residents from disturbance and nuisance caused by cooking odours and noise. Saved policy CLT15 of the Local Plan accepts the principle of night-time uses within District Centre Locations.

- 4.4 Saved policy SDP1(i) seeks to protect the amenity of local residents, whilst policy SDP16 will not permit noise generating development if it would cause an unacceptable level of noise impact to nearby sensitive noise uses.
- 4.5 Saved policy HE1 (New Development in Conservation Areas) states that where development is adjacent to a conservation area, it will only be permitted where the character or appearance of the area is preserved or enhanced. The Portswood Residents' Gardens Conservation Area Appraisal and Management Plan (PRGCA) sets out a strategy for preserving and enhancing the conservation area.

## **5.0 Relevant Planning History**

- 5.1 The relevant planning history is set out in **Appendix 2**. In summary, an application was refused in 2013 (ref no. 13/00228/FUL) for the conversion of the building into small HMO (class C4) accommodation on the upper floors and subdivision of the ground floor A1 retail unit into 2 separate units for A3 and A2 use.
- 5.2 In a subsequent application (13/01206/FUL - February 2014), an entrance door was provided for the upper floor HMOs off Portswood High Street. This application was refused by the Planning Committee and then allowed at appeal (ref no. APP/D1780/A/13/2208545). The decision notice and plans are appended to **Appendix 3**. The Members refused the application with specific concerns to the quality of the residential environment in terms of layout and access. A Planning Inspector subsequently concluded at appeal that the quality of the residential environment and servicing of the HMO accommodation was adequate.
- 5.3 During determination of the appeal, separate applications were approved by Officer's to convert the ground floor into the A3 and A2 uses which was previously refused as part of the mixed use scheme.
- 5.4 When the conversion works started to take place, the applicant decided to build a secure and covered bin and cycle store covering the small courtyard area next to the rear track. The retention of this structure is current being determined under application 14/01941/FUL.

## **6.0 Consultation Responses and Notification Representations**

- 6.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (19.12.2014). At the time of writing the report **8** representations have been received from surrounding residents. The following is a summary of the material considerations raised:

### **6.1.1 Comment**

Adverse impact on amenity of nearby residential properties from noise disturbance caused by patrons returning home as they walk through nearby residential streets.

Response

Midnight closing hour is considered to be appropriate within this District Centre location. The Council's adopted policies recognise that night-time uses are appropriate in District Centre locations and the Council has adopted a consistent approach to allow up to midnight closing in District Centre locations. As such, there are a number of late night premises in the local area, including food and drink uses, which operate until midnight. These include premises which the Council have approved and also those which have been approved by the Secretary of State at appeal. The customers leaving the premises will be widely dispersed over the large residential area. Therefore, it is considered that allowing the premises to operate until midnight will not present any further material harm to the amenity of local residents.

6.1.2 Comment

There is already an over provision of fast food outlets, snack bars and restaurants in the district centre. Late night noise disturbance and light and litter nuisance, in particular to residential properties in Abbots Way from refuse being put out in the rear service area, refrigeration units adjacent, and external lighting. As well as likely to attract customers from outside the area for late night eating and drinking, compounding further problems.

Response

The food and drink use already has permission. The Council's adopted Development Plan policies recognise that food and drink uses can play an important role in maintaining the vitality and viability of retail centres. Similarly, night-time uses are an integral part of city life but in recognition of the impacts that such uses can have on residential amenity, the Council seeks to guide them to City, Town and District Centre locations. Furthermore, it is considered that the nature of the use, as a café, is less disruptive to residential amenity, than other late night uses within the vicinity of the site. The extension of hours, is therefore, considered to be in line with Council policy and recent appeal and Council decisions made in the district centre. There is a reasonable separation distance from the properties in Abbots Way to ensure there is no undue disturbance to the local residents. The Environmental Health team have raised no objection to the acoustic report submitted to control the noise emitted from the plant equipment associated with the use.

6.1.3 Comment

The proposal would harm the character of the Portswood Residents Gardens Conservation Area.

Response

There is a distinctive physical and visual separation between the buildings forming part of Portswood District Centre and the Conservation Area. As such, it is considered that the character of the conservation area would not be materially harmed by the proposal.

6.1.4 Comment

The information supplied with the application about late night uses is misleading as the majority of the premises close at 23.00 hours or earlier.

### Response

Notwithstanding the list of premises submitted, officers have made their own assessment within the context of the local area and are satisfied that the proposal is consistent with other relevant decisions within the area (**Appendix 4 and 5** refer).

#### 6.1.5 Comment

The hours imposed by the Planning Inspector should be enforced.

### Response

The Inspector conditioned the hours applied for by the applicant in application 13/01206/FUL at that time. The applicant is entitled to submit an application for the Council to reconsider their operating hours.

## **6.2 Consultation Responses**

6.2.1 **SCC Highways** – No objection.

6.2.2 **SCC Environmental Health** – No objection. The hours of operation should generally be similar to other premises within the area.

## **7.0 Planning Consideration Key Issues**

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

- (i) Principle of Development;
- (ii) Impact on residential amenity;
- (iii) Impact on the character of the area and;
- (iv) Impact on highway safety

### 7.2 (i) Principle of Development

7.2.1 The principle of the A3 use has already been accepted under the previous permissions. Saved policy CLT15 of the Local Plan supports night-time uses in Portswood District Centre, although it is noted that there is no specified terminal hour set out in the relevant planning policies. A judgement has been based on the nature of the local area in terms of appeal decisions and other applications as well as advice from SCC Environmental Health. As such, an assessment has been made against the material considerations as set out below.

### 7.3 (ii) Impact on residential amenity

7.3.1 The commercial uses within Portswood High Street have historically co-existed with the residential communities nearby. The rear of the site backs onto the rear gardens of the residential properties within Abbots Way separated by a service track. The appeal decision raised no significant concern with regards to this relationship.

7.3.2 The hours of business conditioned by the Inspector were in line with the hours requested by the applicant, at that time, under application 13/01206/FUL. The condition can be reconsidered by the Council in terms of its necessity and

reasonableness.

- 7.3.3 It is considered the closing hours of midnight would be consistent with recent decisions made for other premises in the District Centre (**Appendix 4** refers) as well as the appeal decision relating the 5-6 The Portswood Centre in 2008 (ref no. 07/02055/VC), which allowed midnight closing every day of the week. The appeal decision is attached to **Appendix 5**.
- 7.3.4 The Inspector concluded that 'residents living above the properties within the Portswood District centre are likely to expect a degree of noise and disturbance even into the late evenings'. In this context, it was considered that there is no harm in the opening hours that were proposed (an additional hour for this premises). It was also concluded, in paragraph 19, that the impact of noise and disturbance would be substantially reduced as whole, given the large number of residential streets which would disperse those leaving the premises over a wider area.
- 7.3.5 In addition to this, in 2012, permission (ref no. 12/00618/FUL) was granted for the ice cream parlour 'Sprinkles' in Portswood Road to operate until midnight every day of the week, including public holidays.
- 7.3.6 In relation to using the plant equipment to the rear during the extended hours, the Environmental Health team have raised no objection to the noise impact on local residents following the submission of the noise report. The separation between the track way, as well as the overall distance to the rear of the properties in Abbotts Way, would also ensure that the amenity of neighbouring occupiers would not be materially harmed by the external lighting and noise from the servicing (i.e. taking out refuse) during the extended hours. Since the Environmental Health Team have confirmed that further noise mitigation measures are required, in relation to the mechanical equipment, it is considered reasonable to require these mitigation measures to be implemented before the extended hours of operation come into effect.
- 7.3.7 Overall, a café use is not considered to be overly disruptive to residential amenity when compared with other late night uses within the locality and it is noted that there have been no complaints received about the premises since it has been in operation. Midnight closing would accord with other similar uses within the District Centre and moreover, is considered to be an appropriate termination time within commercial centres of this nature. As such, it is considered that the extension of hours until midnight would not adversely affect the amenity of local residents.

#### 7.4 (iii) Impact on the character of the local area

- 7.4.1 As reasoned in the section above, allowing the premises to operate until midnight would not be uncharacteristic of other uses within the District Centre. The Council's policies recognise that food and drink uses can support the vitality and viability of the District Centre and, along with the City Centre, District Centres represent the most sustainable locations for late night uses in the city. Furthermore, the comings and goings to and from the premises would be widely dispersed over the large surrounding residential area so not to have a noticeable impact on the character of the local area.



7.4.2 There is a distinctive physical and visual separation between the buildings forming part of Portswood District Centre and the Portswood Residents Gardens Conservation Area. As such, the character of the conservation area would not be adversely affected.

7.5 (iv) Impact on highway safety

7.5.1 The Highway Officer has raised no concerns that the proposal would adversely affect highway safety.

**8.0 Summary**

8.1 In summary, the proposed extension of hours is not considered to materially harm the character and amenity of the local area, whilst preserving the character of the adjacent conservation area. Furthermore highway safety is not adversely affected.

**9.0 Conclusion**

9.1 As such, the proposal is judged to have an acceptable impact and, therefore, can be supported for conditional approval.

**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(vv), 7(a), 9(a), 9(b)

**SB for 14/07/15 PROW Panel**

**PLANNING CONDITIONS**

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION - Hours of business

The ground floor A3 unit hereby approved shall not be open for customers outside the following hours: 0700-0000 (midnight) Monday to Sunday and recognised public holidays.

Reason:

In the interests of protecting residential amenity

03. APPROVAL CONDITION - Carbon emissions

The scheme of carbon emissions reduction approved under application 14/01193/DIS shall be retained as operational.

Reason:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

#### 04. APPROVAL CONDITION - Change in cooking processes

In the event that the cooking processes change for the A3 use hereby approved and extraction equipment is needed then a written scheme for the control of noise, fumes and odours from extractor fans and other equipment is submitted to and approved in writing by the Local Planning Authority. Details should be agreed prior to the installation of new extraction equipment and thereafter installed in accordance with the approved details and findings.

Reason:

To safeguard the amenities of nearby occupiers

#### 05. APPROVAL CONDITION - Noise mitigation

Before the hours of operation hereby approved first come into effect, details of the measures outlined on page 17 of the approved 'External Plant Noise Assessment' report (ref.SA-3779 and dated 21st May 2015) shall be implemented in accordance with details to be submitted to and approved by the Local Planning Authority in writing. More specifically, these measures shall comprise:

(1) The relocation of the 3 existing air conditioning units to the roof of the extension. These should be contained within an acoustic enclosure comprising:

- a) 100mm thick acoustic panels manufactured from galvanised mild steel with a mineral wool infill of 100mm thick 45kg/m<sup>3</sup>.
- b) An inner face comprising perforated mild steel with a maximum open area of 30%.
- c) The enclosure should be sealed to the roof to ensure an absorptive inner face is in place.

(2) Upgrading the existing louvres with acoustic ventilation louvres to achieve the minimum static insertion loss levels as outlined on page 17 of the report.

The scheme shall be implemented as approved and retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To protect the residential amenities of neighbouring occupiers.

#### 06. APPROVAL CONDITION - Storage

Access to the refuse and cycle storage areas shall be permanently retained for both the commercial and residential uses.

Reason:

In the interests of visual and residential amenity and encouraging the use of sustainable transport modes.

#### 07. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt the works shown on the plans in connection with application 14/01941/FUL do not form part of this approval.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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**Application** 14/01981/FUL

**APPENDIX 1**

### POLICY CONTEXT

#### Core Strategy - (January 2010)

CS13          Fundamentals of Design  
CS14          Historic Environment

#### City of Southampton Local Plan Review – (March 2006)

SDP1          Quality of Development  
SDP7          Urban Design Context  
SDP16        Noise  
SDP17        Lighting  
HE1          New Development in Conservation Areas  
REI4         Secondary Retail Frontages  
REI5         District Centres  
REI7         Food and Drink Uses (Classes A3, A4 and A5)  
CLT15        Night time Uses

#### Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Portswood Residents Gardens Conservation Area Appraisal and Management Plan

#### Other Relevant Guidance

The National Planning Policy Framework 2012

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**Application** 14/01981/FUL

**APPENDIX 2**

### **Relevant Planning History**

1278/30 - Demolition of existing premises and erection of a supermarket with ancillary storage and other accommodation - CAP 1965

1278/30R1 - Installation of a Shopfront - CAP 1965

13/00228/FUL - Subdivision and conversion of existing ground floor from Class A1 (retail) to A2 (financial and professional services) and A3 (restaurants and cafes) use plus installation of two new shop fronts. Alterations to rear elevation to provide rear access enabling conversion of first floor to 1 x 5-bed and 1 x 6-bed residential units (Class C4 use) with communal facilities, refuse/cycle storage with access from rear track - REF

### **Reasons for refusal**

1. The proposed development by reason of its internal layout would fail to achieve adequate levels of light, outlook and amenity space provision for its occupiers creating an unacceptable residential environment contrary to Policies CS13 of the Southampton Core Strategy (2010), SDP1 and Saved Policy H4 of the Southampton Local Plan Review (2006) and Section 2 of the Council's 'Residential Design Guide' Supplementary Planning Document (2006) and 'Houses in Multiple Occupation' Supplementary Planning Document (2012).

2. The proposal, by reason of its external layout, would have unsatisfactory bin and cycle storage provision that cannot be properly serviced due to the access arrangements of the development contrary to policies CS19 of the Southampton Core Strategy 2010, Saved Policies H4, SDP1 and SDP5 of the Southampton Plan Review (2006), Section 9 of the Council's 'Residential Design Guide' Supplementary Planning Document (2006) and Supplementary Planning Documents 'Parking Standards' (2011) and 'Houses in Multiple Occupation' (2012).

3. The rear access to the proposal has limited natural surveillance, is poorly lit and poorly maintained and would therefore fail to provide a safe and secure access to the development for its occupiers making them vulnerable. The proposal is therefore contrary to Saved Policies SDP1, SDP10 and H4 of the Southampton Local Plan Review (2006) and the Council's Supplementary Planning Document 'Houses in Multiple Occupation' (2012).

13/01206/FUL - Subdivision and conversion of existing ground floor from Class A1 (retail) to A2 (financial and professional services) and A3 (restaurants and cafes) use and installation of two new shop fronts. Alterations to the building and conversion of the upper floor into 2 x 4-bed residential units (Class C4 use), with front and rear access, and associated cycle/refuse storage. (resubmission of

13/00228/FUL) (amended description) - REF and allowed at appeal  
(APP/D1780/A/13/2208545)

Reasons for refusal

1. The proposed development by reason of its internal layout would fail to achieve adequate levels of light, outlook and amenity space provision for its occupiers creating an unacceptable residential environment contrary to Policies CS13 of the Southampton Core Strategy (2010), SDP1 and Saved Policy H4 of the Southampton Local Plan Review (2006) and Section 2 of the Council's 'Residential Design Guide' Supplementary Planning Document (2006) and 'Houses in Multiple Occupation' Supplementary Planning Document (2012).

2. The rear access to the proposal has limited natural surveillance, is poorly lit and poorly maintained and would therefore fail to provide a safe and secure access to the development for its occupiers making them vulnerable. The proposal is therefore contrary to Saved Policies SDP1, SDP10 and H4 of the Southampton Local Plan Review (2006) and the Council's Supplementary Planning Document 'Houses in Multiple Occupation' (2012).

13/01744/FUL - Change of use of part of the ground floor from Retail (Class A1) to Financial and Professional Services (Class A2), and alterations to include the installation of a new shopfront and new door to rear elevation (Retrospective - Submitted in conjunction with 13/01745/FUL) - CAP

13/01745/FUL - Change of use of part of the ground floor from Retail (Class A1) to Restaurants and Cafes (Class A3), and installation of a new shopfront (Submitted in association with 13/01744/FUL) - CAP

14/01193/DIS - Application for approval of details reserved by condition 3 (carbon reduction) of planning permission ref 13/01206/FUL for mixed use development - NOBJ

14/01941/FUL - Retention of a single storey rear extension – PDE





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## Appeal Decision

Site visit made on 14 January 2014

by **C J Leigh BSC(HONS) MPHIL MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 February 2014

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**Appeal Ref: APP/D1780/A/13/2208545**

**253 Portswood Road, Southampton, SO17 2NG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by M S & R Ahmed and Singh against the decision of Southampton City Council.
  - The application Ref 13/01206/FUL, dated 30 July 2013, was refused by notice dated 23 October 2013.
  - The development proposed is the subdivision and conversion of existing ground floor from Class A1 (Retail) to Class A2 (Financial and Professional Services) and Class A3 (Restaurant and Café) use and installation of two new shop fronts, alterations to the building and conversion of the upper floor to provide two four-bedroom residential units (Class C4 use), with front and rear access, and associated cycle/refuse store.
- 

### Preliminary matters

1. Since the date of refusal of planning permission, two grants of permission have subsequently been granted by the Council for the use of part of the ground floor of the appeal premises for A2 use with new shopfront and new door to rear (ref. 13/01744/FUL), and part of the ground floor for A3 use with new shopfront (ref. 13/01745/FUL).
2. I consider the Council's description of the proposed development as contained on the decision notice to be an accurate wording, so have determined the appeal on that basis and as set out above.

### Decision

3. The appeal is allowed and planning permission granted for the subdivision and conversion of existing ground floor from Class A1 (Retail) to Class A2 (Financial and Professional Services) and Class A3 (Restaurant and Café) use and installation of two new shop fronts, alterations to the building and conversion of the upper floor to provide two four-bedroom residential units (Class C4 use), with front and rear access, and associated cycle/refuse store at 253 Portswood Road, Southampton, SO17 2NG in accordance with the terms of the application, ref 13/01206/FUL, dated 30 July 2013, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

- 3) A scheme showing the approved development will achieve at least 20% reduction in CO2 emissions over Part L of the Building Regulations, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the approved development and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.
- 4) Before the A3 use hereby permitted begins, equipment to control the emission of fumes and smell from the premises shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
- 5) The ground floor A2 and A3 units hereby approved shall not be open for customers outside the following hours: 0700-2100 Monday to Sunday.
- 6) Access to the refuse and cycle storage areas shall be permanently retained for both the commercial and residential uses hereby approved.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: 8309-01, 8309-02C and 8309-03C.

### **Main issue**

4. The main issue in this appeal is whether the proposed development would provide a satisfactory standard of accommodation for future occupants.

### **Reasons**

#### *Standard of accommodation*

5. I saw at my site visit that the first floor of the premises is a large area, with very deep floor-plate, which I understand was formerly the store and office space for the previous retail use on the ground floor. The conversion works to form the proposed residential units would see the creation of relatively narrow bedrooms, in order to utilise existing windows and (in the rear elevation) through the creation of new windows.
6. I was able to effectively gauge the proportions and size of these units on site, and in my view the bedrooms would be of acceptable size and dimensions, and would display reasonable outlook and levels of light. I note the Council have no planning policies relating to minimum room sizes, but they inform me the sizes are in excess of mandatory HMO licensing requirements. This supports my view that the bedrooms would be of a good standard.
7. The proposed layout shows communal areas for the new accommodation to be provided within an entirely internal room, with no windows but with a large skylight. In this instance, I consider such a solution to be acceptable. Due to the size of the bedrooms and their each having natural light and outlook, I consider such rooms to offer good accommodation and likely to be the rooms primarily used by occupants. The communal room and kitchen will, although not having windows, still be well-lit by natural light. I saw at my site visit that there is currently one room at first floor which is only lit by a skylight – which appeared smaller than those now proposed – and the level of natural light in that room was acceptable.

8. I concur with the appellants that the matter is to some degree one of balance: the very deep floorplan of the building indicates the centre of the first floor only being able to be lit by skylights (if artificial light is not to be solely relied upon). Based on what I have read and seen, I therefore think that the provision of communal rooms lit in this way would be appropriate and would provide an acceptable standard of accommodation. Similarly, given the central location of the property, well placed for facilities within a commercial area, in this instance I consider the absence of open amenity space to be acceptable, and would not lead to an unsatisfactory standard of accommodation.
9. Access to the proposed accommodation would be via a new staircase from the Portswood Road frontage and from the rear access lane. The drawings show the provision of a cycle store to the rear of the property, which would be accessed via the existing rear service lane that serves the Portswood Road buildings. I noted that this is largely an unmade lane. However, the distance from its junction with Highfield Lane is short, and the service lane is evidently used regularly. I see no sound reason to doubt that future occupants of the proposed accommodation would similarly be able to use this lane to access the cycle store.
10. On the main issue it is therefore concluded that the proposed development would provide a satisfactory standard of accommodation for future occupants. Thus, the proposal would be consistent with Policy C13 of the Southampton Core Strategy 2010, Policies SDP1 and H4 of the City of Southampton Local Plan Review 2006, and guidance contained in the Council's Houses in Multiple Occupation Supplementary Planning Document 2012 and Residential Design Guide Supplementary Planning Document 2006, the general thrust of which includes seeking to ensure new development provides a reasonable standards of living conditions for future occupants, including in proposals for Houses in Multiple Occupation.

#### *Other considerations*

11. The use of the first floor as residential accommodation would see the alteration of windows in the rear elevation of the building and insertion of a new window. The houses to the north of the appeal site are around 30m distant, which would be sufficient to ensure no unreasonable loss of privacy to those houses. The gardens to the Abbotts Way properties are large, and would be visible from the proposed new accommodation. However, this would be over the distance of the access lane and then primarily to the end of those gardens. The Abbotts Way gardens currently display a fair degree of mutual overlooking from adjoining properties, and the outlook from the proposed accommodation would not materially affect the degree of privacy or overlooking experienced by those gardens. I am therefore satisfied there would not be material harm to the living conditions of existing occupants, and so no conflict with the policies and guidance referred to above.
12. The submitted drawings show appropriate provision for refuse storage for the ground floor commercial uses, separated from the first floor use.
13. The proposed housing is well-located for modes of transport other than the private car, and is close to a wide range of facilities. Cycle storage is proposed within the development. The absence of car parking is therefore acceptable in this instance.

14. I note comments relating to the provision of HMO accommodation in the Portswood area. The Council inform me that their strategy relating to HMO provision is to meet HMO demand within the district centre so as to reduce the pressure for such use within suburban, family housing areas. I therefore agree with the Council that the provision of HMO accommodation at this location accords with this general strategy and would not conflict with the policies referred to earlier.
15. The proposed use and works to the buildings would be appropriate to the character of the surrounding area, and would preserve the setting of the adjoining Portswood Residents Gardens Conservation Area.

*Conclusions and conditions*

16. For the reasons given, and having regard to all other matters raised, it is concluded that the appeal should succeed.
17. The Council have suggested a number of conditions in the event of the appeal being allowed. I have attached conditions relating to the use of matching materials to ensure a satisfactory appearance to the development, and conditions relating to the hours of use for the commercial premises and the installation of extract equipment, to ensure the living conditions of adjoining occupiers are preserved. These conditions have been modified in the interests of precision, relevance to the development being permitted, and enforceability, and having regard to the conditions attached to the recent grant of permission 13/01745/FUL.
18. I have attached a condition requiring the provision of the bin store and cycle store, to ensure the permanent retention of these facilities. I have modified the wording of the suggested condition since the submitted drawings already show the required details. I have also attached the suggested condition requiring the provision of measures to reduce energy usage, in accordance with the objectives of the development plan, though I have modified the wording in the interests of precision and enforceability.
19. The Council have suggested a condition that seeks to specify the design of windows, in the interests of protecting occupants from traffic noise. However, I find the wording of the condition vague since, whilst reference is made to dimensions of glazing, there is no clear and precise definition as to the levels of noise attenuation sought, nor what difference is sought from the control which would exist through building regulations. This makes the condition imprecise and difficult to enforce, and therefore fails the tests of Circular 11/95. Due to the limited nature of external works to the property, I see no need to attach a condition relating to hours of work for demolition, clearance and construction; such a condition would not be relevant to the development permitted.
20. Finally, a condition specifying the approved drawings is necessary in order that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

**C J Leigh**

INSPECTOR

# Agenda Item 7

## Appendix 4

**Application** 14/01981/FUL

**APPENDIX 4**

**Table 1: Permitted Hours of Operation in Portswood**

<b>Address</b>	<b>Application Reference</b>	<b>Permitted Hours</b>
The Brook Inn	05/01220/VC	11:00 to 1:30 Monday to Thursday 11:00 to 2:30 Fridays & Saturdays 12:00 to 00:30 Sundays
Units 5-6 The Portswood Centre	07/02055/VC	09:00 to 00:00 daily
Unit 7 The Portswood Centre	09/01208/FUL 14/01355/FUL	08:00 to 1:00 Sundays to Thursdays 08:00 to 2:00 Fridays and Saturdays
29-31 Portswood Road	13/00796/FUL	11:00 to 00:00
104 Portswood Road	12/00785/FUL	09:00 to 00:00
160 Portswood Road	12/00618/FUL	07:00 to 00:00 daily
265 Portswood Road	99/01025/VC	Sundays until 00:00 Fridays and Saturdays until 01:00

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## Appeal Decision

Hearing held on 21 October 2008  
Site visit made on 21 October 2008

by **R J Marshall** LLB Dip TP MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

### Appendix 5

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
18 November 2008

### Appeal Ref: APP/D1780/A/08/2073082

#### The Terminal, 5-6 Portswood Centre, Portswood Road, Southampton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Barracuda Group Ltd. against the decision of Southampton City Council.
- The application Ref 07/02055/VC/29854, dated 20 December 2007, was refused by notice dated 4 March 2008.
- The application was described as "Variation of condition 3 attached to permission no. 04/00210/FUL".
- Condition No. 03 states that:  
"The use shall be restricted to the following hours: -  
Monday to Saturday – 09.00am to 11.30pm  
Sundays – 09.00am to 11.00pm  
Outside of these hours the premises shall be closed to the public".
- The reason given for the condition is: "To safeguard the amenities of neighbouring properties and the area generally".

### Decision

1. I allow the appeal and grant planning permission for an A4 drinking establishment including ancillary staff accommodation at first floor at the Varsity, 5-6 Portswood Centre, Portswood Road, Southampton in accordance with the application Ref 07/02055/VC/29854 dated 20 December 2007, without compliance with condition number 03 previously imposed on planning permission Ref 04/00210/FUL/26815 dated 14 June 2004 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to the following new condition: *No customers shall be on the premises of the use hereby permitted outside the following times: Sundays to Saturdays 09.00 hrs to 00.00 hrs.*

### Procedural matters

2. At the time the application the subject of this appeal was made the appeal premises was a public house known as The Terminal. It is now known as the Varsity.
3. The application before me should more accurately have been described as being for permission to develop land without complying with condition 03 subject to which planning permission 04/00210/FUL/2815 was granted. That permission was for "Change of use from retail (A1) to food and drink (A3)

- including ancillary staff accommodation at first floor". Moreover, since the date of that decision changes to the Use Classes Order created a separate A4 drinking establishment use. A public house falls within that Use Class. The parties confirmed that if the appeal was allowed the new permission should refer to the appeal premises being an A4 use. I concur with that approach. My decision reflects this and the other matters to which I have referred above.
4. The appellant confirmed that on Mondays-Saturdays inclusive the appeal premises is operated on the basis of last orders being at 23.00 hrs with customers being required to vacate the premises by 23.30 hrs. Both parties read the disputed condition as requiring this.
  5. On the application forms the proposal before me was described simply in the terms set out in the bullet points of this decision. A letter accompanying the application said that it was proposed that the opening hours be extended as follows: Sundays to Saturdays 09.00 hrs to 00.00 hrs.
  6. In the discussion on conditions, towards the close of the hearing, the appellant said that a condition imposed on any new permission should be worded so as to enable drinks to be served up until 00.00 hrs and requiring customers to vacate the premises by 00.30 hrs. Strong objections to this were raised by the Council and local residents who said that this went beyond what they thought the appellant had been seeking. They had read the proposal as requiring the premises to be vacated by 00.00 hrs.
  7. The wording of the application and covering letter refers only to a change of hours. In the absence of any evidence to the contrary it was reasonable for the Council to have taken it that the suggested additional hours were sought on the basis of the same restriction that currently applies, that is that any drinking up time is included within the specified hours.
  8. Added weight is given to this being the appellant's intention when submitting the application by the fact that the Officers' report, recommending permission, carried a condition identically worded to the existing condition 03, but with the following hours referred to: Mondays to Sundays 09.00 to 00.00. At no time prior to the hearing did the appellant object to this or suggest that a differently worded condition should be imposed so as to allow drinking up time beyond 00.00 hrs.
  9. In additional support of this view is the acoustic report prepared for the appellant. This said that "The current trading hours of The Terminal are up to 23.30 hrs Mondays to Saturdays and 23.00 hrs on Sundays. We understand that the proposed extension of trading hours would be to midnight Monday to Sunday. All of the times given above include a 30 minute drinking up period subsequent to last orders".
  10. Having regard to the above I shall determine this appeal on the basis that the appellant was seeking to revise the opening hours of the premises so that customers would be required to vacate them by 00.00 hours. Any other approach would be contrary to a reasonable interpretation of the application and detrimental to those with an interest in the appeal.



## **Main issue**

11. The main issue in this appeal is the effect of the proposed development on those nearby, and in surrounding residential areas, through noise and disturbance.
12. As the site lies fairly close to the Portswood Residents' Gardens Conservation Area I shall also have regard to whether the proposal would preserve or enhance the character of this area.

## **Reasons**

### ***Effect on residents living conditions***

13. The appeal site lies towards one end of the Portswood district centre. This is a fairly large shopping area that also contains a substantial bingo hall, restaurants, takeaways and public houses. The centre lies to either side of Portswood Road, a main road leading into Southampton city centre. The Varsity has quite a large floor area and can accommodate a large number of customers.
14. The City of Southampton Local Plan Review (2006) encourages strengthening district centres and sustaining and enhancing them by allowing a diversity of uses (Policy REI 5). Within such centres A4 uses will be permitted (CLT 15). Explanatory text to this Policy says that where there would be an adverse impact on amenity, hours of opening will be conditioned. However, it also says that beyond the city centre, district centres are the venues most capable of accommodating night related activities. That being so I do not read this Policy as being as restrictive in principle on opening hours as local residents suggest. Other Local Plan Policies more generally seek to protect neighbours' living conditions.
15. Given the characteristics of the district centre referred to above it is a fairly noisy environment. Noise and disturbance will in the main be concentrated within the centre. However, it is likely that some degree of noise and disturbance will radiate out into surrounding residential areas especially along the more major roads leading to and from the centre.
16. There are residential flats above commercial properties in the district centre and houses adjoin a car park at the rear of the premises. However, residents in such areas are likely to expect a degree of noise and disturbance even into the late evenings. In this context, I see no harm in the slightly longer hours of opening sought by the appellant. I am of this view even if the opening hours of other public houses in the centre are as suggested by the Council.
17. I now turn to the effect of proposal on residents in the wider area, including some in retirement accommodation, beyond the district centre. Residents, especially those in the Conservation Area to the north of the centre, have expressed concerns about the proposed extended opening hours. Their concern is primarily on the noise and disturbance that they say would occur at a later hour from those leaving the Varsity on foot.
18. Local residents say that harm through noise and disturbance arises at present from those leaving the district centre in the evenings. However, this is largely anecdotal and there is no substantial evidence to link such noise and

disturbance to those leaving the appeal premises. That said, I also place limited weight to the figures on pedestrian movements in the appellant's noise survey, given the restricted survey period.

19. Nevertheless, given the large number of residential streets in the area I consider that those leaving the appeal premises are likely to disperse over a wide area. This should substantially reduce the impact that they would have over the area as a whole through noise and disturbance. Nor is there any substantial evidence to support concerns that the use of the Varsity causes unacceptable levels of traffic related noise and disturbance that would be exacerbated by the extended hours.
20. A major concern of residents is that, unlike The Terminal, the Varsity is a student pub. I am in no doubt, given its name and the publicity material on it, that the pub appeals to the student market. However, students are likely to disperse from the appeal premises into the surrounding roads as widely as others would. For, although the main university campus is in a specific area some distance to the north-west of the district centre, students appear to be accommodated more broadly in the wider area. Nor is there any substantial evidence, that even without a permanent police presence in the area, students would create more noise and disturbance than others of a similar age.
21. In my view, allowing the appeal premises to open half an hour later than it currently does on Mondays to Saturdays, and an hour later on Sunday, would cause only a limited degree of additional noise and disturbance in surrounding residential streets. This would not be sufficient to cause unacceptable harm to living conditions. I see this as being quite different from the recently dismissed appeal where opening hours through to 01.30 hours were sought. Opening to that hour would have had a far more substantial impact on living conditions. The current proposal provides an acceptable balance between the need for satisfactory living conditions whilst ensuring an active and vibrant district centre.
22. The Council says that it has taken a consistent approach in refusing permission for extended opening hours on other premises in the vicinity. However, only one of the cases referred to is in Portswood Road and that involved extended opening hours much later than in the case before me. Moreover, turning to local concerns on precedent, planning permission in this case would not make it more difficult for the Council to resist harmful extensions to opening hours.
23. I conclude that the proposed development would cause no unacceptable harm to the living conditions of those nearby, and in surrounding residential areas, through noise and disturbance. It would conform therefore to the Local Plan Policies to which I have referred.

***Effect on Conservation Area.***

24. The Portswood Residents' Gardens Conservation Area comprises attractive low density housing enclosing 2 landscaped open spaces. A certain degree of tranquillity is part of the character of this area. However, for the reasons given above, the minor extension of opening hours proposed would not impact on this to an extent that would make the proposal contrary to the statutory requirement on the preservation or enhancement of the character of such areas. There is no substantial evidence to support a view that the proposed

extended opening hours would result in any material increase in litter or graffiti in the Conservation Area.

***Conditions***

25. As I am minded to allow the appeal I have considered what conditions should be imposed in addition to those still subsisting and capable of taking effect.
26. To protect the living conditions of those nearby, and ensure that the permission accords with what was applied for, I shall require the premises to be vacated by customers by 00.00 hours. In so doing I note the appellant's reference to the fact that this would differ from the premises licence. However, this is justified given the differences between the planning and licensing regimes and to ensure that the new planning permission accords with what was sought.

**Conclusion**

27. For the reasons given above I conclude the appeal should succeed. I will grant a new planning permission without the disputed condition but substituting one other and retaining the relevant non-disputed conditions from the previous permission.

*RJ Marshall*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Mr D Dunlop BA Hons MRTPI	Of D2 Planning Limited
Mr R Riley	Area manager of appellant company
Mr D Holton	Previous manager of appeal premises
Mr N Rayner	Previous manager of appeal premises
Mr P Hayman	Current manager of appeal premises

### FOR THE LOCAL PLANNING AUTHORITY:

Miss B Giles BA Hons MSc	Planning Officer
Mrs A Lee BSc Hons Dip TP MRTPI	Senior Planning Officer

### INTERESTED PERSONS:

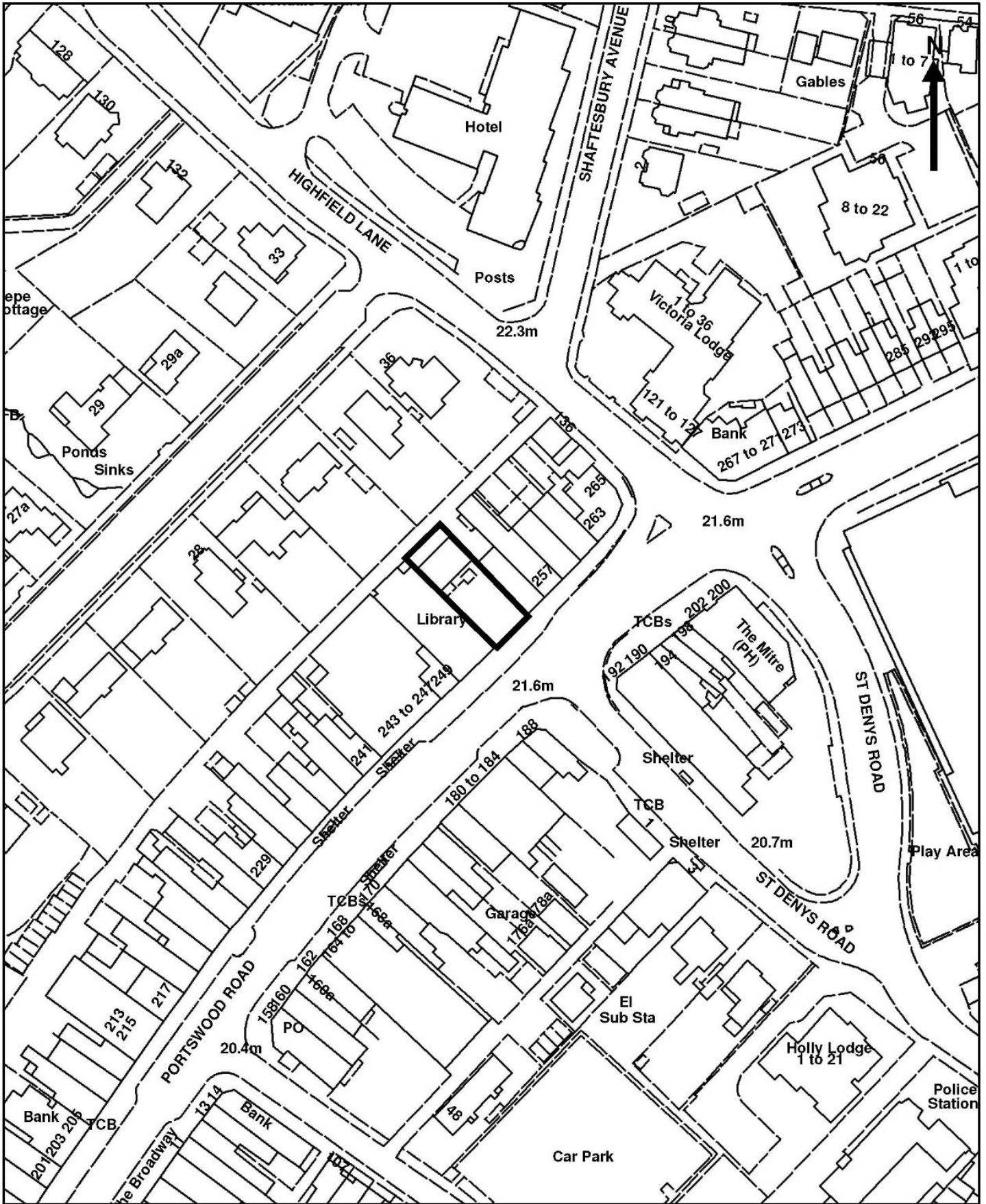
Dr R Buckle	(Member of the Planning Action Group, Portswood Residents' Gardens Conservation Area) 29, Abbots Way, Highfield, Southampton.
Mrs J Jameson	(Member of the Planning Action Group, Portswood Residents' Gardens Conservation Area) 5, Russell Place, Southampton.
Mr J Gillen	(Chairman of Highfield Residents Association) 4, Woodstock Drive, Southampton.
Mr A Vinson	(Of Highfield Residents Association) 14, Grosvenor Road, Portswood, Southampton.

## DOCUMENTS

- 1 Letter of notification of appeal and those notified.
- 2 Plans of Portwood Residents' Gardens Conservation Area.
- 3 Aerial photograph of Conservation Area.
- 4 "Varsity" publicity information from internet.
- 5 Plan with opening times of selected premises.

# Agenda Item 7 14/01981/FUL

Appendix 6



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# Agenda Item 8

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 14<sup>th</sup> July 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 253-253A Portswood Road, Southampton			
<b>Proposed development:</b> Retention of a single storey rear extension and associated air conditioning units.			
<b>Application number</b>	14/01941/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Laura Grimason	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	15/01/2015	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	Request by Ward Member and 5 or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Paul O'Neil Cllr Matthew Claisse Cllr Linda Norris
<b>Referred to panel by:</b>	Cllr Claisse	<b>Reason:</b>	Impacts on character and residential amenity

<b>Applicant:</b> Mr Tony Luongo	<b>Agent:</b> Les Weymes Planning Consultancy
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The extension and associated air conditioning equipment are not considered to cause material harm to residential amenity, highways safety or the character and amenity of the Portswood Residents' Gardens Conservation Area. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable, conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP16, HE1 and REI5 of the City of Southampton Local Plan Review (March 2015) and CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document Partial Review (March 2015); as supported by the Portswood Residents Gardens Conservation Area Appraisal and Management Plan.

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning History
3	Appeal decision 13/01206/FUL		

## **Recommendation in Full**

### **Conditionally approve**

#### **1.0 Introduction**

1.1 This application has been submitted concurrently with planning application 14/01981/FUL which seeks planning permission to vary condition 4 of planning permission 13/01745/FUL to allow the restaurant/cafe premises to open between 0700 hours and midnight on any day.

#### **2.0 The site and its context**

2.1 The site is located within the Portswood District Shopping Centre which is predominantly characterised by a range of commercial uses, including food and drink premises. The site is bounded by a service track to the rear which runs alongside the rear gardens of the residential properties in Abbots Way. The boundary of the Portswood Residents Gardens Conservation Area follows the rear edge of the gardens of these properties.

2.2 The application site itself contains a two-storey building split into two commercial premises at ground floor, comprising a Use Class A3 ice cream parlour (subject of this application) and a Use Class A2 professional use. Permission has been previously granted to convert the first floor into two small HMO (class C4) units (4 bedrooms).

#### **3.0 Proposal**

3.1 Permission is sought for the retention of a single storey rear extension and associated air conditioning units.

3.2 The extension is located to the rear of the property, facing onto the access road serving the properties along Portswood Road. The rear gardens of the residential properties along Abbots Way are located on the opposite side of this access road. The proposed extension projects outwards from the rear elevation of the property by approximately 3.8m. It measures approximately 7.4m in width and has a flat roof.

3.3 The 2 air conditioning units are located to the rear elevation of the main property and the side elevation of the rear extension. There is also a louvered section of the rear elevation of the extension serving compressor units for the freezers within the extension.

3.4 A separate application (ref.14/01981/FUL) on the site, to vary condition 4 of planning permission 13/01745/FUL to allow the restaurant/cafe premises to open between 07:00 hours and midnight on any day, is also being considered.



#### **4.0 Relevant Planning Policy**

- 4.1 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**.
- 4.2 Saved policy RE15 (District Centres) requires development to be in scale with the District Centre and should maintain, and where possible enhance its vitality and viability. Saved policy SDP1(i) seeks to protect the amenity of local residents, whilst policy SDP16 will not permit noise generating development if it would cause an unacceptable level of noise impact to nearby sensitive noise uses. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.
- 4.3 Saved policy HE1 (New Development in Conservation Areas) states that where development is adjacent to a conservation area, it will only be permitted where the character or appearance of the area is preserved or enhanced. The Portswood Residents' Gardens Conservation Area Appraisal and Management Plan (PRGCA) sets out a strategy for preserving and enhancing the conservation area.
- 4.4 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.

#### **5.0 Relevant Planning History**

- 5.1 The relevant planning history is set out in **Appendix 2**. In summary, an application was refused in 2013 (ref no. 13/00228/FUL) for the conversion of the building into small HMO (class C4) accommodation on the upper floors and subdivision of the ground floor A1 retail unit into 2 separate units for A3 and A2 use.
- 5.2 In a subsequent application (13/01206/FUL - February 2014), an entrance door was provided for the upper floor HMOs off Portswood High Street. This application was refused by the Planning Committee and then allowed at appeal (ref no. APP/D1780/A/13/2208545). The decision notice and plans are appended to **Appendix 3**. The application was refused due to specific concerns regarding the quality of the residential environment in terms of layout and access. A Planning Inspector subsequently concluded at appeal that the quality of the residential environment and servicing of the HMO accommodation was adequate.
- 5.3 During determination of the appeal, separate applications were approved to convert the ground floor into the A3 and A2 uses which was previously refused as part of the mixed use scheme.
- 5.4 When the conversion works started to take place, the applicant decided to build a

secure and covered bin and cycle store covering the small courtyard area next to the rear track. This is the structure which is being considered under this application.

## **6.0 Consultation Responses and Notification Representations**

6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (10/12/2014). At the time of writing the report **10** representations have been received from surrounding residents, Councillor Claisse, the Planning group for the Portswood Residents Gardens Conservation Group and Highfield Residents Association. The following is a summary of the points raised:

### 6.2 Comment

The proposal is likely to be at odds with the tranquil setting of the Portswood Residents Gardens Conservation Area.

#### Response

The extension is considered to be of an appropriate scale in this location and does not have a significant impact on the character or appearance of the Portswood Residents Gardens Conservation Area. Its location to the rear of the property ensures that it is not overly visible from the wider street scene. There is a distinctive physical and visual separation between the buildings forming part of Portswood District Centre and the Portswood Residents Gardens Conservation Area. As such, it is considered that the character and appearance of the conservation area would not be materially harmed by the proposal.

### 6.3 Comment

The extension is excessive in scale and represents overdevelopment of the site.

#### Response

Portswood District Centre has a dense, commercial character, and most commercial plots are almost or entirely developed with buildings, extensions and storage. The degree of site coverage is not, therefore, out-of-character. The extension has a single-storey scale and its positioning to the rear of the property ensures that it is tucked away from the street scene and only visible when walking along the rear access road. There is sufficient space to the rear of the property to accommodate the extension without projecting outwards into the rear access road. As such, the extension is not considered to constitute overdevelopment of the site and provides much needed space for the ancillary equipment for the ground floor ice cream parlour.

### 6.4 Comment

The air conditioning units and horizontal ventilation slats within the rear elevation of the extension would result in additional noise, disturbance and odours which are likely to be detrimental to the residential amenities of adjoining occupiers.

#### Response

The applicant has submitted a detailed noise report outlining a number of recommendations which will be implemented to mitigate the impact of noise arising from the air conditioning units on the residential amenities of adjoining occupiers. The City Council's Environmental Health team are satisfied that if

these recommendations are followed, the air conditioning units are not likely to be detrimental to residential amenity. As such, a suitably worded condition will be used to ensure the required measures are implemented (see condition 2, below).

6.5 Comment

The extension is to be used in association with the ground floor ice cream parlour, removing any space for the cycle and refuse storage associated within the first floor residential units.

Response

A site visit confirmed that an area within the extension is used for the storage of refuse which is associated within the ground floor use, whilst bins for the first floor use are kept outside the rear entrance door. There is sufficient space to the rear to accommodate this without causing nuisance to occupiers or vehicles using the rear entrance. There is also sufficient space to accommodate internal cycle storage and a condition is suggested to secure this (see condition 4, below). Furthermore, this is not visible from the wider street scene. As such, it is considered that sufficient refuse storage is provided on site.

6.6 Comment

The primary front access for the upper floor units has still not been implemented. This is located within the front of the lettings agency and can only be used when this is in operation. Outside of the hours of operation of the lettings agency, residents are required to use the unsafe access to the rear. This is unacceptable.

Response

This application relates solely to the rear extension and associated air conditioning units. The provision of a front entrance to the upper floor flats does not form a material planning consideration in this instance, however, this matter has been passed to the department's Enforcement Team for resolution.

6.7 Comment

On site lighting cause disturbance to the properties along Abbots Way as they shine into the rear gardens.

Response

A suitably worded condition has been imposed to ensure that all lighting on site accords with the Institute of Lighting Professionals Guidance for the Reduction of Obtrusive Light. This will minimise the impact of any lighting on nearby residential dwellings.

6.8 Comment

Construction works previously undertaken at the property have been excessively noisy.

Response

This is not a material planning consideration in this instance. Members of the public are advised to contact the City Council's Environmental Health team if they are concerned about noise and disturbance related to construction works at the property.

6.9 Comment

The rainwater pipe attached to the extension overhangs the boundary with the adjoining property at 255 Portswood Road. Furthermore, this does not run into a soakaway and is likely to increase flooding in this location.

Response

The rainwater pipe is fixed to an existing wall which does not form part of this application. As such, this does not form a material consideration in this instance and is a private legal matter between the two property owners.

6.10 Comment

The rear extension originally approved was intended to accommodate refuse and cycle storage. The one which has been built is significantly larger and accommodates equipment associated with the ice cream parlour. There is insufficient room for refuse and cycle storage.

Response

A site visit confirmed that an area within the extension is used for the storage of refuse which appears to be associated within the ground floor use whilst bins for the first floor use are kept outside the rear entrance door. There is sufficient space to the rear to accommodate this without causing nuisance to occupiers or vehicles using the rear entrance. As such, it is considered that sufficient refuse storage is provided on site. Furthermore, the extension is of a size which would be able to accommodate cycle storage if required. A condition is suggested to secure this.

6.11 Comment

The ice cream parlour is currently opening till midnight. The approved hours required operation to cease after 9 o'clock in the evening.

Response

A separate application (ref.14/01981/FUL) has been submitted seeking permission for the hours of operation for the ice cream parlour to be extended to midnight. This issue will be considered in full in this separate application.

**7.0 Consultation Responses**

7.1 **SCC Environmental Health (Pollution & Safety)** – No objection subject to conditions to secure the implementation of the mitigation measures set out in the submitted Noise Report. A condition should also be imposed with respect to external lighting.

**8.0 Planning Consideration Key Issues**

8.1 The determining issues for this scheme relate to:

- (i) Impact on residential amenity;
- (ii) Visual appearance and impact on the character of the area and;
- (iii) Impact on highway safety

8.2 (i) Impact on residential amenity

8.2.1 The commercial uses within Portswood High Street have historically co-existed with the residential communities nearby. The rear of the site backs onto the rear gardens of the residential properties within Abbots Way separated by a service

track. The appeal decision raised no significant concern with regards to this relationship. The rear gardens of these properties back onto the rear service road for the units along Portswood Road. The rear elevations of these properties are located between 16m and 23m from this rear access road.

- 8.2.2 As a result of the appeal decision (ref. APP/D1780/A/13/2208545), two small HMOs have been established at first floor level above the ground floor ice cream parlour and lettings agency. The structure subject to this application provides storage space to serve the uses already approved and it is considered to be preferable for storage to be enclosed within a purpose built structure than open-air.
- 8.2.3 The main issue with regards to residential amenity relates to the impact of the air conditioning equipment at the site in terms of additional, noise and odours that may arise from their operation. The applicant has submitted a noise report (External Plant Noise Assessment (ref.SA-3779) produced by Sound Advice Acoustics Ltd. and dated 21<sup>st</sup> May 2015) to assess the impact of the air conditioning equipment.
- 8.2.4 External noise levels were recorded over a 3 day period (the 1<sup>st</sup> to the 3<sup>rd</sup> May 2015). Two time periods were analysed; daytime between 07:00 and 23:00 and night time between 23:00 and 07:00. It can therefore, be concluded that the noise report covers a full 24 hour period as required by the Environmental Health team.
- 8.2.5 The submitted noise report outlines a series of recommendations which should be implemented in order to minimise noise levels arising from the operation of the air conditioning equipment at the rear of the property and to protect the residential amenities of neighbouring occupiers.
- 8.2.6 The first recommendation requires the 3 air conditioning units to be relocated to the roof of the extension and contained within a suitable acoustic enclosure. Such an enclosure should be manufactured using acoustic panels and should also meet the ventilation requirements of the air conditioning units according to their manufacturer's specification. The panels which should be used for this enclosure are as follows:
- (a) 100mm thick acoustic panels manufactured from galvanised mild steel with a mineral wool infill of 100mm thick 45kg/m<sup>3</sup>.
  - (b) An inner face comprising perforated mild steel with a maximum open area of 30%.
  - (c) The enclosure should be sealed to the roof to ensure an absorptive inner face is in place.
- 8.2.7 The acoustic enclosure would only need to be large enough to accommodate the units themselves and so it is considered that an appropriately worded planning condition could secure this.
- 8.2.8 The second recommendation relates to the louvres within the extension which provide ventilation for the internal air compressor units serving the ground floor ice cream parlour. This states that the existing louvres should be upgraded with acoustic ventilation louvres to achieve the minimum static insertion loss levels as outlined on page 17 of the report.

8.2.9 The City Council's Environmental Health department have been consulted on the submitted noise report and are satisfied that if the recommendations outlined above (and on page 17 of the submitted noise report) are implemented, no loss of amenity will occur for neighbouring occupiers. A condition is, therefore, suggested to secure these measures (see condition 2, below).

8.2.10 An additional condition relating to external lighting will also be implemented to protect the residential amenities of residential occupiers.

8.2.11 With regards to the impact of the extension itself, this is not located in close proximity to any windows serving habitable rooms at the adjoining properties. Furthermore, an acceptable separation distance (between 16m and 23m) would remain between the extension and the rear elevations of the properties along Abbotts Way to ensure that no loss of light, loss of outlook or overbearing impact would occur.

### 8.3 (ii) Visual appearance and impact on the character of the area

8.3.1 The extension is located to the rear of the property and can only be seen from the rear access road serving the rear of the properties along Portswood Road. It has been constructed using materials which are appropriate in relation to the recipient property and the rear of the wider terrace and is an appropriate scale for this location. The extension is not visible from Portswood Road and is not subsequently, considered to have a significant impact on the wider street scene. That said, the scale, massing and appearance are considered to reflect the commercial nature of the surrounds. Having regard to both the retention of an acceptable separation distance between the extension and the properties along Abbotts Way and the presence of substantial boundary treatments serving the rear gardens of these nearby residential properties, it is not considered that the extension is detrimental to the character or appearance of the Portswood Residents Gardens Conservation Area.

### 8.4 (iii) Impact on highways safety

8.4.1 The Highway Officer has raised no concerns that the proposal would adversely affect highway safety.

## 9.0 Summary

9.1 In summary, the extension and associated air conditioning equipment are not considered to be detrimental to residential amenity, highways safety or the character and appearance of the Portswood Residents Gardens Conservation Area.

## 10.0 Conclusion

10.1 As such, the proposal is judged to have an acceptable impact and can therefore, be supported.

**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(vv), 7(a), 9(a), 9(b)

**L.G for 14/07/15 PROW Panel**

**PLANNING CONDITIONS**

**1. APPROVAL CONDITION - Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

**2. APPROVAL CONDITION: Noise Recommendations**

Within a period of 6 months from the date of planning permission, details of the measures outlined on page 17 of the approved 'External Plant Noise Assessment' report (ref.SA-3779 and dated 21st May 2015) shall be implemented in accordance with details to be submitted to and approved by the Local Planning Authority in writing. More specifically, these measures shall comprise:

(1) The relocation of the 3 existing air conditioning units to the roof of the extension. These should be contained within an acoustic enclosure comprising:

- a) 100mm thick acoustic panels manufactured from galvanised mild steel with a mineral wool infill of 100mm thick 45kg/m<sup>3</sup>.
- b) An inner face comprising perforated mild steel with a maximum open area of 30%.
- c) The enclosure should be sealed to the roof to ensure an absorptive inner face is in place.

(2) Upgrading the existing louvres with acoustic ventilation louvres to achieve the minimum static insertion loss levels as outlined on page 17 of the report.

The scheme shall be implemented as approved and retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To protect the residential amenities of neighbouring occupiers.

**3. APPROVAL CONDITION - Lighting**

Within a period of 6 months from the date of planning permission, on-site external lighting shall be installed in accordance with details to be submitted to and approved by the Local Planning Authority in writing. The scheme must demonstrate compliance with the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

Reason:

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

#### 4. APPROVAL CONDITION - Cycle and Refuse Storage

Within a period of 6 months from the date of this permission, arrangements for the storage of refuse and cycles for both the commercial use and the first floor residential use shall be implemented, in accordance with a scheme to be submitted to and approved by the Local Planning Authority in writing. The storage shall thereafter be retained as approved.

#### Reason:

To ensure a satisfactory form of development and, in the interests of the visual and residential amenity of the area.



Application 14/01941/FUL

APPENDIX 1

### POLICY CONTEXT

### POLICY CONTEXT

#### Local Development Framework Core Strategy Development Plan Document Partial Review (March 2015)

CS13          Fundamentals of Design

CS14          Historic Environment

#### City of Southampton Local Plan Review (March 2015)

SDP1          Quality of Development

SDP7          Urban Design Context

SDP16        Noise

SDP17        Lighting

HE1          New Development in Conservation Areas

REI4         Secondary Retail Frontages

#### Supplementary Planning Guidance

Portswood Residents Gardens Conservation Area Appraisal and Management Plan

#### Other Relevant Guidance

The National Planning Policy Framework 2012

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**Application** 14/01941/FUL

### **Relevant Planning History**

1278/30 - Demolition of existing premises and erection of a supermarket with ancillary storage and other accommodation - CAP 1965

1278/30R1 - Installation of a Shopfront - CAP 1965

13/00228/FUL - Subdivision and conversion of existing ground floor from Class A1 (retail) to A2 (financial and professional services) and A3 (restaurants and cafes) use plus installation of two new shop fronts. Alterations to rear elevation to provide rear access enabling conversion of first floor to 1 x 5-bed and 1 x 6-bed residential units (Class C4 use) with communal facilities, refuse/cycle storage with access from rear track - REF

### **Reasons for refusal**

1. The proposed development by reason of its internal layout would fail to achieve adequate levels of light, outlook and amenity space provision for its occupiers creating an unacceptable residential environment contrary to Policies CS13 of the Southampton Core Strategy (2010), SDP1 and Saved Policy H4 of the Southampton Local Plan Review (2006) and Section 2 of the Council's 'Residential Design Guide' Supplementary Planning Document (2006) and 'Houses in Multiple Occupation' Supplementary Planning Document (2012).
2. The proposal, by reason of its external layout, would have unsatisfactory bin and cycle storage provision that cannot be properly serviced due to the access arrangements of the development contrary to policies CS19 of the Southampton Core Strategy 2010, Saved Policies H4, SDP1 and SDP5 of the Southampton Plan Review (2006), Section 9 of the Council's 'Residential Design Guide' Supplementary Planning Document (2006) and Supplementary Planning Documents 'Parking Standards' (2011) and 'Houses in Multiple Occupation' (2012).
3. The rear access to the proposal has limited natural surveillance, is poorly lit and poorly maintained and would therefore fail to provide a safe and secure access to the development for its occupiers making them vulnerable. The proposal is therefore contrary to Saved Policies SDP1, SDP10 and H4 of the Southampton Local Plan Review (2006) and the Council's Supplementary Planning Document 'Houses in Multiple Occupation' (2012).

13/01206/FUL - Subdivision and conversion of existing ground floor from Class A1 (retail) to A2 (financial and professional services) and A3 (restaurants and cafes) use and installation of two new shop fronts. Alterations to the building and conversion of the upper floor into 2 x 4-bed residential units (Class C4 use), with front and rear access, and associated cycle/refuse storage. (resubmission of 13/00228/FUL) (amended description) - REF and allowed at appeal (APP/D1780/A/13/2208545)

### **Reasons for refusal**

1. The proposed development by reason of its internal layout would fail to achieve adequate levels of light, outlook and amenity space provision for its occupiers creating an unacceptable residential environment contrary to Policies CS13 of the Southampton Core Strategy (2010), SDP1 and Saved Policy H4 of the Southampton Local Plan Review

(2006) and Section 2 of the Council's 'Residential Design Guide' Supplementary Planning Document (2006) and 'Houses in Multiple Occupation' Supplementary Planning Document (2012).

2. The rear access to the proposal has limited natural surveillance, is poorly lit and poorly maintained and would therefore fail to provide a safe and secure access to the development for its occupiers making them vulnerable. The proposal is therefore contrary to Saved Policies SDP1, SDP10 and H4 of the Southampton Local Plan Review (2006) and the Council's Supplementary Planning Document 'Houses in Multiple Occupation' (2012).

13/01744/FUL - Change of use of part of the ground floor from Retail (Class A1) to Financial and Professional Services (Class A2), and alterations to include the installation of a new shopfront and new door to rear elevation (Retrospective - Submitted in conjunction with 13/01745/FUL) - CAP

13/01745/FUL - Change of use of part of the ground floor from Retail (Class A1) to Restaurants and Cafes (Class A3), and installation of a new shopfront (Submitted in association with 13/01744/FUL) - CAP

14/01193/DIS - Application for approval of details reserved by condition 3 (carbon reduction) of planning permission ref 13/01206/FUL for mixed use development - NOBJ

14/01941/FUL - Retention of a single storey rear extension – PDE



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## Appeal Decision

Site visit made on 14 January 2014

**by C J Leigh BSC(HONS) MPHIL MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 February 2014**

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**Appeal Ref: APP/D1780/A/13/2208545**

**253 Portswood Road, Southampton, SO17 2NG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by M S & R Ahmed and Singh against the decision of Southampton City Council.
  - The application Ref 13/01206/FUL, dated 30 July 2013, was refused by notice dated 23 October 2013.
  - The development proposed is the subdivision and conversion of existing ground floor from Class A1 (Retail) to Class A2 (Financial and Professional Services) and Class A3 (Restaurant and Café) use and installation of two new shop fronts, alterations to the building and conversion of the upper floor to provide two four-bedroom residential units (Class C4 use), with front and rear access, and associated cycle/refuse store.
- 

### Preliminary matters

1. Since the date of refusal of planning permission, two grants of permission have subsequently been granted by the Council for the use of part of the ground floor of the appeal premises for A2 use with new shopfront and new door to rear (ref. 13/01744/FUL), and part of the ground floor for A3 use with new shopfront (ref. 13/01745/FUL).
2. I consider the Council's description of the proposed development as contained on the decision notice to be an accurate wording, so have determined the appeal on that basis and as set out above.

### Decision

3. The appeal is allowed and planning permission granted for the subdivision and conversion of existing ground floor from Class A1 (Retail) to Class A2 (Financial and Professional Services) and Class A3 (Restaurant and Café) use and installation of two new shop fronts, alterations to the building and conversion of the upper floor to provide two four-bedroom residential units (Class C4 use), with front and rear access, and associated cycle/refuse store at 253 Portswood Road, Southampton, SO17 2NG in accordance with the terms of the application, ref 13/01206/FUL, dated 30 July 2013, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

- 3) A scheme showing the approved development will achieve at least 20% reduction in CO2 emissions over Part L of the Building Regulations, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the approved development and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.
- 4) Before the A3 use hereby permitted begins, equipment to control the emission of fumes and smell from the premises shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
- 5) The ground floor A2 and A3 units hereby approved shall not be open for customers outside the following hours: 0700-2100 Monday to Sunday.
- 6) Access to the refuse and cycle storage areas shall be permanently retained for both the commercial and residential uses hereby approved.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: 8309-01, 8309-02C and 8309-03C.

### **Main issue**

4. The main issue in this appeal is whether the proposed development would provide a satisfactory standard of accommodation for future occupants.

### **Reasons**

#### *Standard of accommodation*

5. I saw at my site visit that the first floor of the premises is a large area, with very deep floor-plate, which I understand was formerly the store and office space for the previous retail use on the ground floor. The conversion works to form the proposed residential units would see the creation of relatively narrow bedrooms, in order to utilise existing windows and (in the rear elevation) through the creation of new windows.
6. I was able to effectively gauge the proportions and size of these units on site, and in my view the bedrooms would be of acceptable size and dimensions, and would display reasonable outlook and levels of light. I note the Council have no planning policies relating to minimum room sizes, but they inform me the sizes are in excess of mandatory HMO licensing requirements. This supports my view that the bedrooms would be of a good standard.
7. The proposed layout shows communal areas for the new accommodation to be provided within an entirely internal room, with no windows but with a large skylight. In this instance, I consider such a solution to be acceptable. Due to the size of the bedrooms and their each having natural light and outlook, I consider such rooms to offer good accommodation and likely to be the rooms primarily used by occupants. The communal room and kitchen will, although not having windows, still be well-lit by natural light. I saw at my site visit that there is currently one room at first floor which is only lit by a skylight – which appeared smaller than those now proposed – and the level of natural light in that room was acceptable.

8. I concur with the appellants that the matter is to some degree one of balance: the very deep floorplan of the building indicates the centre of the first floor only being able to be lit by skylights (if artificial light is not to be solely relied upon). Based on what I have read and seen, I therefore think that the provision of communal rooms lit in this way would be appropriate and would provide an acceptable standard of accommodation. Similarly, given the central location of the property, well placed for facilities within a commercial area, in this instance I consider the absence of open amenity space to be acceptable, and would not lead to an unsatisfactory standard of accommodation.
9. Access to the proposed accommodation would be via a new staircase from the Portswood Road frontage and from the rear access lane. The drawings show the provision of a cycle store to the rear of the property, which would be accessed via the existing rear service lane that serves the Portswood Road buildings. I noted that this is largely an unmade lane. However, the distance from its junction with Highfield Lane is short, and the service lane is evidently used regularly. I see no sound reason to doubt that future occupants of the proposed accommodation would similarly be able to use this lane to access the cycle store.
10. On the main issue it is therefore concluded that the proposed development would provide a satisfactory standard of accommodation for future occupants. Thus, the proposal would be consistent with Policy C13 of the Southampton Core Strategy 2010, Policies SDP1 and H4 of the City of Southampton Local Plan Review 2006, and guidance contained in the Council's Houses in Multiple Occupation Supplementary Planning Document 2012 and Residential Design Guide Supplementary Planning Document 2006, the general thrust of which includes seeking to ensure new development provides a reasonable standards of living conditions for future occupants, including in proposals for Houses in Multiple Occupation.

*Other considerations*

11. The use of the first floor as residential accommodation would see the alteration of windows in the rear elevation of the building and insertion of a new window. The houses to the north of the appeal site are around 30m distant, which would be sufficient to ensure no unreasonable loss of privacy to those houses. The gardens to the Abbotts Way properties are large, and would be visible from the proposed new accommodation. However, this would be over the distance of the access lane and then primarily to the end of those gardens. The Abbotts Way gardens currently display a fair degree of mutual overlooking from adjoining properties, and the outlook from the proposed accommodation would not materially affect the degree of privacy or overlooking experienced by those gardens. I am therefore satisfied there would not be material harm to the living conditions of existing occupants, and so no conflict with the policies and guidance referred to above.
12. The submitted drawings show appropriate provision for refuse storage for the ground floor commercial uses, separated from the first floor use.
13. The proposed housing is well-located for modes of transport other than the private car, and is close to a wide range of facilities. Cycle storage is proposed within the development. The absence of car parking is therefore acceptable in this instance.

14. I note comments relating to the provision of HMO accommodation in the Portswood area. The Council inform me that their strategy relating to HMO provision is to meet HMO demand within the district centre so as to reduce the pressure for such use within suburban, family housing areas. I therefore agree with the Council that the provision of HMO accommodation at this location accords with this general strategy and would not conflict with the policies referred to earlier.
15. The proposed use and works to the buildings would be appropriate to the character of the surrounding area, and would preserve the setting of the adjoining Portswood Residents Gardens Conservation Area.

*Conclusions and conditions*

16. For the reasons given, and having regard to all other matters raised, it is concluded that the appeal should succeed.
17. The Council have suggested a number of conditions in the event of the appeal being allowed. I have attached conditions relating to the use of matching materials to ensure a satisfactory appearance to the development, and conditions relating to the hours of use for the commercial premises and the installation of extract equipment, to ensure the living conditions of adjoining occupiers are preserved. These conditions have been modified in the interests of precision, relevance to the development being permitted, and enforceability, and having regard to the conditions attached to the recent grant of permission 13/01745/FUL.
18. I have attached a condition requiring the provision of the bin store and cycle store, to ensure the permanent retention of these facilities. I have modified the wording of the suggested condition since the submitted drawings already show the required details. I have also attached the suggested condition requiring the provision of measures to reduce energy usage, in accordance with the objectives of the development plan, though I have modified the wording in the interests of precision and enforceability.
19. The Council have suggested a condition that seeks to specify the design of windows, in the interests of protecting occupants from traffic noise. However, I find the wording of the condition vague since, whilst reference is made to dimensions of glazing, there is no clear and precise definition as to the levels of noise attenuation sought, nor what difference is sought from the control which would exist through building regulations. This makes the condition imprecise and difficult to enforce, and therefore fails the tests of Circular 11/95. Due to the limited nature of external works to the property, I see no need to attach a condition relating to hours of work for demolition, clearance and construction; such a condition would not be relevant to the development permitted.
20. Finally, a condition specifying the approved drawings is necessary in order that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

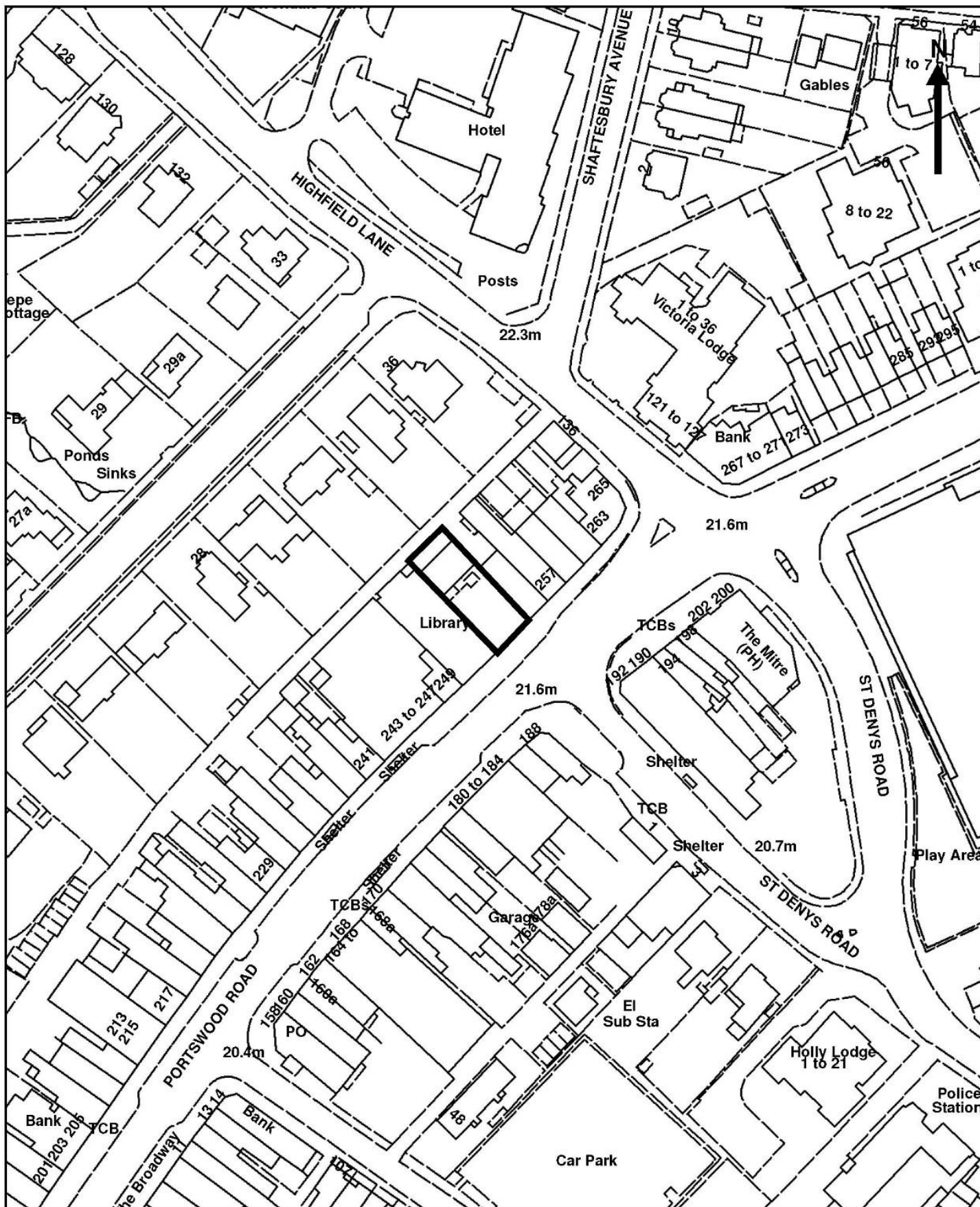
**C J Leigh**

INSPECTOR



# Agenda Item 8 14/01941/FUL

Appendix 4



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# Agenda Item 9

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel (West) 14th July 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 383 Shirley Road, SO15 3JD			
<b>Proposed development:</b> Change of use of the ground floor from financial and professional services (Class A2) to drinking establishment (Class A4).			
<b>Application number</b>	15/00770/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	23/06/2015	<b>Ward</b>	Shirley
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received.	<b>Ward Councillors</b>	Cllr Kaur Cllr Coombs Cllr Chaloner
<b>Referred in by:</b>	N/A	<b>Reason:</b>	N/A

<b>Applicant:</b> Mr Rai	<b>Agent:</b> N/A
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<b>Recommendation Summary</b>	<b>Conditionally Approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</b>
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## Reason for Granting Planning Permission

The proposed drinking establishment is considered to be a compatible use within the Shirley Town Centre location and will add to its vitality and viability. Due to the modest nature of the proposal it is not considered that undue noise and disturbance will result and therefore the proposal will not significantly harm the amenity of the area or the residential amenity enjoyed by the occupiers of neighbouring dwellings. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP16, CLT15, REI4 and REI7 of the City of Southampton Local Plan Review (as amended 2015) and CS3 and of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

<b>Appendix attached</b>	
1	Development Plan Policies

## **Recommendation in Full: Conditionally approve**

### **1 The site and its context**

- 1.1 383 Shirley Road forms the southern end of a three storey terrace of buildings. At ground floor the building is divided into 15 separate small scale shop units which offer a range of commercial services. The terrace is within Shirley Town Centre which contains mainly Class 'A' Uses on the ground floor of properties with residential units above. The ground floor was vacated by a firm of Estate Agents approximately 2 years ago. The shop unit was then open and trading as a retail unit, operated by the owner of the building, selling budget tyres and audio systems for cars during 2014 and has been closed to customers and used principally as a store by the owner of the building since the start of 2015. Residential accommodation is located on the upper floors of the application site. There is a separate door to the first floor accommodation positioned to the front of the building accessed from Shirley Road. To the south east of the site is a large car show room which includes a vehicle display area. Further to the south east is a drive through fast food restaurant. To the rear of the site is a service road that is accessed from Church End which is a single lane road that divides the site from residential properties to the north east.
- 1.2 On the opposite side of Shirley Road are residential properties that occupy the former Hendy Ford car sales site (Selby Place). Selby Place is a development of new 2, 3 and 4-storey buildings providing a total of 96 dwellings. There is a flatted block to the front which has four storeys and to the rear there is a mix of houses and smaller flatted blocks. Parking is provided within the development which is accessed from Shirley Road only. Either side of Selby Place are two public houses (The Brass Monkey and The Brightwater Inn).
- 1.3 Restricted parking is available on Shirley Road in front of the site whereby non parking permit holders can park for an hour with no same day return. Shirley Road is a very sustainable location, it is highly accessible by public transport. The surrounding streets are generally narrow with unrestricted on-street car parking.

### **2 Proposal**

- 2.1 The application seeks a change of use of the ground floor from financial and professional services (Class A2) to a drinking establishment (Class A4). The development includes only very minor internal alterations to provide wash room facilities. External seating is proposed to the rear where a sheltered area will be provided (8 seats indicated). The internal floor area for the drinking establishment is approximately 61 square metres, although the bar area itself would measure approximately 43 square metres, 20 seats are indicated inside (not including potential seating at the bar).

- 2.2 Drinks are to be sold on site between the hours of 12:00 - 22:00 Monday to Sunday. The outside drinking area, to the rear, will also close at 22:00. Half an hour drinking up time will be allowed and the premises will be closed to the public from 22:30.
- 2.3 Beer will be cooled using a cooling unit and cask jackets fitted with water piping. Bottled beer will be cooled in a conventional bottle fridge. The beer cooling system consists of a floor standing cooler with built in ventilation that does not need to be extracted to an exterior wall as it is a self-contained unit. Therefore plant equipment or machinery does not form part of this application.
- 2.4 No food is proposed to be cooked on site, some food will be offered which will need to be heated however an oven will be used to achieve this and therefore there is no need for an extraction system to manage cooking odours. Bottles will be stored internally and only moved outside for collection purposes. Deliveries will take place outside of peak traffic hours and to the rear of the building. The applicant intends to install four CCTV cameras in the interests of safety and security. The applicant is also committed to participate in the Drinkaware, Think 21 and Pub Watch schemes. Southampton City Council will be instructed as trade waste collector. The applicant does not intend to apply for a live music licence and there is no intention to play amplified music that will be audible at the nearest noise sensitive property. Lighting proposed to the rear will be turned off at 22:00. Cycle storage provision is proposed to be provided for both employees and patrons.
- 2.5 383 Shirley Road will be serviced to the rear. The rear track road is not wide enough to accommodate full-size waste collection trucks due to the lack of turning space. Southampton City Council provides a commercial waste collection service to the rear of the units using a slightly smaller collection vehicle than the standard vehicle used.
- 2.6 Due to the nature of the business, a micro pub selling a limited range of specialist cask ales and bottled craft beer, the applicant will not be receiving deliveries of any branded beers or any other supplies from major breweries who deliver via large Dray Trucks. The maximum projected incoming deliveries per week constitute 8 x nine gallon casks/kegs and 20 cases of bottled drinks. The intention is to stock a variety of specialist ales from local microbreweries, as such large deliveries of a variety of drink products will not be possible due to the number of destinations that the produce will be coming from. The intention is to collect individual casks/kegs from the various selected breweries and to import them directly to the rear of 383 Shirley Road using the applicants own vehicle (currently a Ford Transit van) via the aforementioned Church End and the service road. Bottled beers will also be collected from suppliers in the same manner from local wholesalers.

### **3 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 The National Planning Policy Framework (NPPF) came into force on 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 Relevant Planning History**

- 4.1 In 2007 planning permission was approved for the change of use of the ground floor of the building from retail (use class A1) to financial & professional services (use class A2) (07/01585/FUL).
- 4.2 In 2012 planning permission was granted for a part first and second floor rear extension to facilitate change of use from a 5 bed HMO to one 4 bed flat and one 2 bed flat with ancillary bike and bin storage (12/01748/FUL).

#### **5 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (30/04/2015). At the time of writing the report **40** representations have been received from surrounding residents. **5 letters raise objection** to the proposal and **35 letters have been received in support**. The following is a summary of the points raised:

- 5.2 Supporters raise the following:

- Shirley would benefit from a micro pub given that it would offer a different type of drinking establishment to those which currently exist nearby.
- The micro pub will supplement the customers enjoyment of their community.
- There are few establishments of this nature in the local area.
- Establishments of this nature contribute positively to the character of the area.
- The city council have invested in the improvement of the public realm of Shirley Road in recent years seeking to attract businesses to improve and maintain the vitality and viability of the High Street. The proposed use will contribute towards this aim.
- Car parking is unlikely to be a problem caused by the micro pub given that most customers will walk to the site.
- Customers who do drive to the site are unlikely to have a problem parking on Shirley Road as customers are most likely to visit the site outside of the hours of operation of most nearby businesses, especially those on the same terrace row.
- An outlet for sale of real ales will benefit local suppliers and breweries.
- Shirley High Street would benefit from having more specialist traders.
- The replacement of a retail unit selling car tyres with the microbrewery is supported for reasons of community benefit and improvement to the character of the area.
- The Butchers Hook has been successful in Bitterne Park, something similar in Shirley would be fantastic.
- The arrival and popularity of Santo Lounge has proven that there is considerable demand for a range of drinking establishments in Shirley.

**RESPONSE:** From reading the letters of support it is clear that there is a strong feeling in the local community that there is scope for a business of this nature in the Town Centre. Many of the letters have been received from members of the public who currently work near to 383 Shirley Road and thus have an interest in supporting other nearby businesses that will increase footfall within the area, all of which will help maintain and improve the vitality and viability of the town centre which Local Plan Policies also seek to achieve.

5.3 Objectors raise the following:

- 5.4
- Concerns regarding car parking.

**RESPONSE:** Additional parking pressure is considered unlikely to be significantly harmful. It is unlikely that many private vehicle trips will be generated by the premises due to the nature of the use and the small scale of the shop unit. The primary customer base is also expected to be members of the public residing within the local neighbourhood, many of which are expected to walk to the site.

- 5.5
- Noise/anti-social behaviour. Objectors living opposite in Selby Place, point out that there are already two pubs either side of the Selby Place development, both of which have led to disturbance at night time and include fights having been witnessed; caused by patrons leaving each of the premises.

**RESPONSE:** The drinking establishment would be of small scale due to the size of the building. Seating at the rear of the site could give rise to noise however the hours of operation are limited so that noise would not be generated late at night or early in the morning. The site is located within Shirley Town Centre within which policy REI4 of the Adopted Local Plan permits A4 uses. Separate legislation is used to control noise disturbance and it is the Environmental Health Teams responsibility to monitor and control harmful noise impacts. Should the manager of the micro pub allow excessive noise disturbance to occur the Councils licensing team will have the opportunity to revoke the sale of alcohol licence. Planning conditions can be used to control opening hours and when the outside space can be used. In addition the Hampshire Crime Prevention Advisor has been consulted and no objection has been raised; potential for crime and disorder has been considered.

- 5.6
- One of the objectors considers that there are already sufficient numbers of public houses in the local area (7 within 600 yards of the site) and another pub in this location is considered to be bad for local businesses.

**RESPONSE:** The designation of the site as a secondary retail frontage under local plan policy REI 4 allows drinking establishments (A4 use) and there is no restriction to the number of A4 units within the defined area. Planning decisions based on land use should not be burdened by commercial considerations which is for the market to determine.

### **Consultation Responses**

5.7 **SCC Highways** - No objection, apply recommended conditions.

5.8 **SCC Historic Environment** - No objection.

- 5.9 **SCC Environmental Health** - Due to residential properties above this development, control of noise from the drinking establishment is required. Closing time to be no later than 23:00. If plant equipment is required an acoustic report will be needed to prevent harm. RESPONSE: Closing time will be 22:30 with no alcohol being served after 22:00 and the outside areas also being closed after 20:00. Plant equipment is not required for the development.
- 5.10 **Hampshire Constabulary** – There is nothing in terms of crime and disorder for the Police to object to. Although each one of these A4 change of use developments is viewed individually, similar developments are not currently shown to be a problem. The location is a busy area with a number of A4 drinking establishments nearby and the size of the premises and the proposed opening hours of 1200 - 2200 would not appear to substantially increase any potential problems. If permitted, the Police licensing team will review any subsequent licence application and make comment as appropriate.

## **6 Planning Consideration Key Issues**

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

- Principle of development.
- Impact on local character.
- Impact on neighbouring and local amenity (noise, disturbance and visual impact).
- Highways, parking and servicing.

### 6.2 Principle of Development

6.3 The proposed site is a good location for such a facility in order to serve the local community due to the commercial nature of this section of Shirley Road which is characterised by ground floor shops of various uses as well as residential properties on upper floors. Local Plan policies support the proposal. Policy RE14 deals with areas of secondary retail frontage of which this area is one and supports A1, A2, A3, A4 and A5 uses; and uses that offer a direct service to the public. Furthermore the proposal includes an active frontage.

6.4 Policy RE17 (Food and Drink Uses [Classes A3, A4 and A5]) identifies that proposals involving food and drink uses (including A4 uses) are permitted in Shirley Town Centre. The policy identifies that conditions should be imposed to prevent generation of undue noise and other forms of nuisance from arising. Where possible conditions should be added to enable development to come forward so that national and local planning policy aims of creating sustainable economic growth can be achieved. Policy RE17 confirms that A4 uses have their place in a community and add vitality to shopping centres; and goes on to say that when determining applications of this nature the Council must have regard to evidence of any adverse effect from existing uses nearby. Five local residents have opposed the scheme on the basis of the impact of other nearby drinking establishments however there are other material considerations that also need to be considered, an important consideration relevant to this point is lack of an objection having been received from Hampshire Constabulary. The impact on amenity is discussed below; policy RE17 does not oppose the principle of the development.



- 6.5 Policy CS3 (town, district and local centres, community hubs and community facilities) seeks to ensure that development will maintain the health of the centre, improve the street scene and successfully integrate with local facilities. The shop unit is currently not occupied. Having a small scale drinking establishment which sells local craft ales and simple bar food will help lift the appearance of the unit, promote activity in the Town Centre and introduce a different type of drinking establishment to those that currently exist within the Town Centre. This complies with CS3 which identifies that local centres should capitalise on opportunities for enhancement.
- 6.6 The council seeks to encourage small local businesses wherever possible and it is clear from the National Planning Policy Framework that planning decisions should give weight to the economic benefit of development. The unit at present is not open to the public however goods are displayed inside and should passing members of the public wish to purchase any of the products there is a phone number on the window for them to call. Replacement of the current business with one that is regularly open to the public will help achieve compliance with the NPPF. The proposal complies with the NPPF, the adopted Core Strategy and the Local Plan review and therefore the principle of the scheme is accepted
- 6.7 Impact on local character
- There is no change proposed to the shopfront therefore the visual impact on the character of the shopfront will be nil. By granting permission the activity associated with the premises is likely to increase, this will contribute positively to the character of the area.
- 6.8 Impact on neighbouring and local amenity (noise, disturbance and visual impact).
- One of the main planning issues raised by objectors to the scheme is the potential impact on neighbouring properties with regard to noise. The Council acknowledge that there is potential for customers to sit outside to the rear although at present there is no intention to provide seating to the front; thus those customers, whilst being outside, will generate activity and some noise. The impact is likely to be greatest when the weather is fine and more customers choose to sit outside. Customers also have the potential to create noise and disturbance when they travel to and from the premises, an impact that objectors living in Selby Place have raised as a concern.
- 6.9 It is appreciated that general activity associated with customers sitting outside can have an impact on neighbours. However provided customers behave reasonably it is considered that the impact would not seriously affect residential amenity. It is worthwhile noting that the Environmental Health Team have not opposed the development on noise grounds, nor have the police.
- 6.10 As the site is within a town centre, background noise is expected to be higher than in wholly residential areas where no other uses are located. There are also other evening uses located within the town centre which generate activity and it's noted that some of those uses stay open later than the proposed opening hours of the micro pub.

- 6.12 Another mitigating factor is the small scale nature of the use which is unlikely to accommodate large numbers of customers on a regular basis each night of the week. During periods of poor and cold weather customers are also less likely to sit outside further reducing the potential for significant harm.
- 6.13 The assessment has also taken account of the controls that are available to the Council which aim to prevent significant impact to neighbours. These controls include limiting the hours of operation and the control of noise generating uses through environmental health legislation as well as the management of licensing agreements as managed by the environmental health and the police licensing teams. In this particular case the applicant has agreed to close the outside seating area at 22:00. Last orders will also be at 22:00 with patrons having to leave the site by 22:30.
- 6.14 Highways, parking and servicing
- 6.15 The site is easily reachable by public transport and given the location and intended use of the building as a drinking establishment it is reasonable to expect most customers to arrive on foot, by public transport or by taxi. Restricted parking is available on Shirley Road in front of the site. Non parking permit holders can park for an hour provided that they do not return again on the same day. Whilst it is acknowledged that the business may lead to some parking pressure within areas close to the development the impact is not judged to be significantly harmful or sufficient to justify refusal.
- 6.16 Highways Development Management have also confirmed that there are no associated highways safety concerns with the scheme. The location is highly accessible by public transport and the proposed delivery and servicing arrangements are supported as being appropriate and acceptable in terms of highways impact.

## **7 Summary**

- 7.1 From the consultation exercise it is clear that there has been a large amount of public interest associated with the proposal. It is also fairly rare for the Council to receive so many letters of support, however that said there have also been objections raised which need due consideration. A careful assessment of the points raised by the objectors and supporters, as well as other material considerations discussed above, have led to a recommendation to support the scheme with conditions to control the development where needed in the interests of local amenity.

## **8 Conclusion**

- 8.1 Taking account of the physical circumstances of the proposal in terms of the size of the commercial unit, its location, available controls over the development (hours of operation, Environmental Health and licensing), reasonable behaviour from customers and responsible management it is considered that significant harm to neighbouring occupants is not likely to occur and with the imposition of relevant planning conditions the scheme can be supported.

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

1a, b, c, d, 2 b, d, 7 a, b, 9 a, b.

**MP3 for 14/07/2015 PROW Panel**

**PLANNING CONDITIONS**

**1. APPROVAL CONDITION - Full Permission Timing Condition - Change of use**

The use hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990(as amended).

**2. APPROVAL CONDITION - Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

**3. APPROVAL CONDITION - Lighting [Performance Condition]**

Any permanent external lighting of the external area shall be turned off after 22.00 on any day.

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

**4. APPROVAL CONDITION, Control of amplified equipment - [Performance Condition]**

At no time shall sound amplifying equipment or acoustic instruments be used or installed which would generate noise audible from the boundary of the nearest residential property to the building hereby approved unless otherwise agreed in writing with local Planning Authority.

REASON: To protect the amenities of the occupiers of nearby residential properties.

**5. APPROVAL CONDITION - Hours of Operation (drinks). [Performance Condition]**

The A4 'drinking establishment' to which this permission relates shall only operate in accordance with the following hours:

Customers will only be permitted on the premises between the hours of 12:00 - 22:30 on any day.

Customers will only be permitted to use the outside drinking area to the rear between the hours of 12:00 - 22:00 on any day.

REASON: To protect the amenities of the occupiers of nearby residential properties.

#### 6. APPROVAL CONDITION - CCTV system [Pre-occupation condition]

Before the first occupation of the development details of a scheme for a CCTV system to cover the inside and outside areas of the establishment shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be fully installed and operational prior to the approved use of the development first commencing. It shall be maintained in working order and operated at all times when the premises is open.

Recorded images shall be held for a 1 month period after being made on a daily basis for use by the Police as required.

Reason: In the interests of crime reduction and customer/staff safety.

#### 7. APPROVAL CONDITION, Servicing [Performance Condition]

Unless otherwise agreed in writing the development hereby approved will be carried out in full accordance with the Servicing Management Plan titled Overdraft Craft Ale Bar – 383 Shirley Road SO15 3JD, Servicing / Traffic Management Plan, as received by the Local Planning Authority 18/06/2015.

Reason: To protect the amenities and privacy of occupiers of the adjoining property.

#### 8. APPROVAL CONDITION, Deliveries [Performance Condition]

No deliveries shall take place associated with the A4 drinking establishment use between the hours of 8:00-9:30, 16:00-18:00 and 20:00-08:00 on any day and in accordance with the Servicing Management Plan titled Overdraft Craft Ale Bar – 383 Shirley Road SO15 3JD, Servicing / Traffic Management Plan as received by the Local Planning Authority 18/06/2015.

Reason: To reduce congestion on the public highway and in the interests of residential amenity.

#### 9. APPROVAL CONDITION, Glass Storage [Performance Condition]

Except for on bin collection day no storage of glass (for recycling purposes) shall take place outside of the building. Glass collection shall also not take place between the hours of 20:00 and 9:00.

Reason: To protect the amenities of occupiers of the adjoining property.

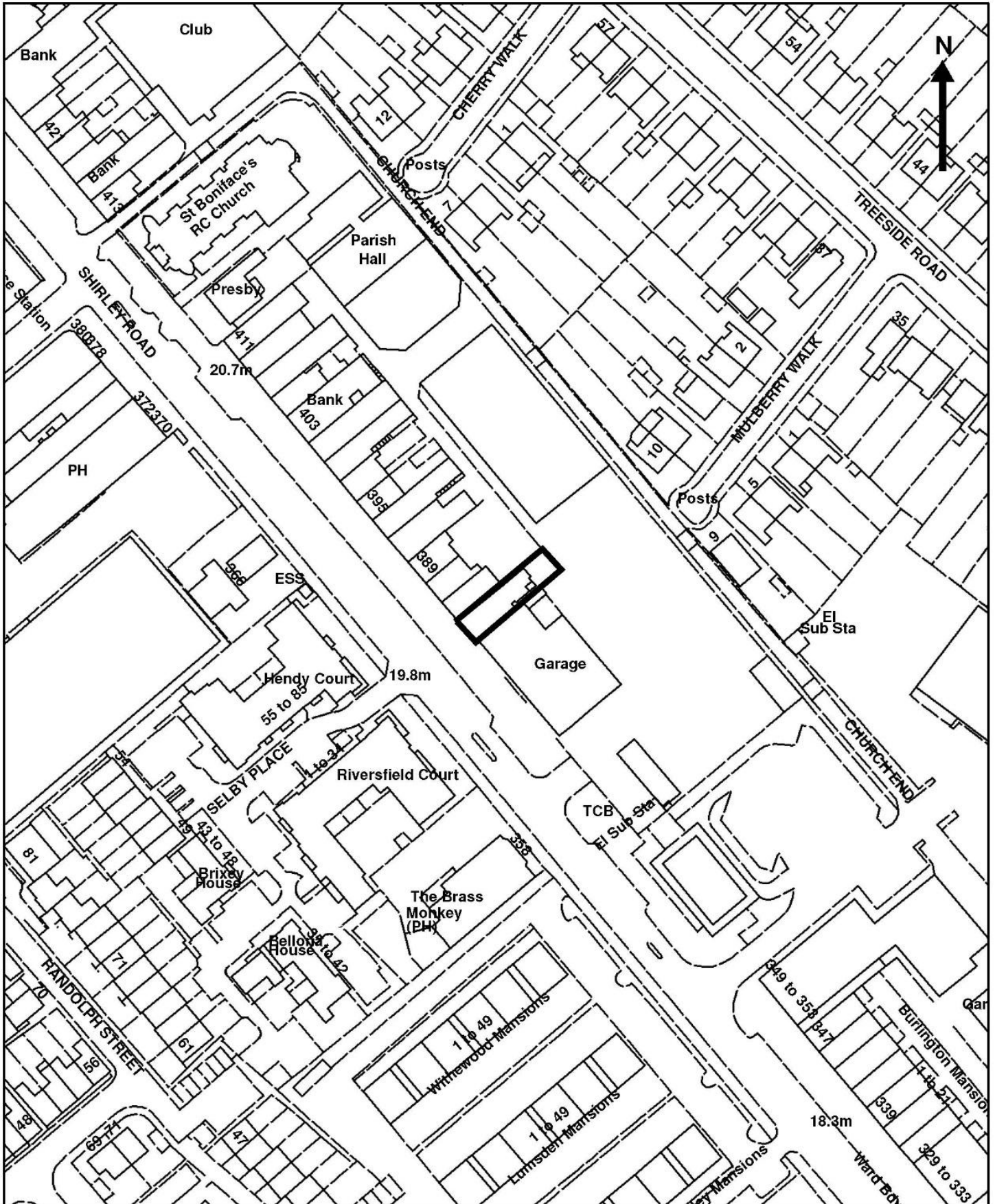
**POLICY CONTEXT**

Core Strategy - (January 2010)

CS3	Town district and local centres, community hubs and community facilities
CS19	Car & Cycle Parking
CS24	Access to Jobs

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP10	Safety & Security
SDP16	Noise
SDP17	Lighting
CLT15	Night Time Uses in Town, District and Local Centres
REI4	Secondary Retail Frontages
REI7	Food and Drink Uses (Classes A3, A4 and A5)
REI8	Shopfronts



Scale: 1:1,250

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**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel (WEST) 14 July 2015  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 119A-123 Bitterne Road West			
<b>Proposed development:</b> Erection of single storey side extensions to form additional retail floor space and storage space (resubmission of 14/01845/FUL), together with alterations to the existing shop front, including an ATM and a new refuse compound.			
<b>Application number</b>	15/01037/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	26.06.2015	<b>Ward</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Request by Ward Member and more than five letters of objection have been received	<b>Ward Councillors</b>	Cllr Ivan White Cllr John Inglis Cllr David Fuller
<b>Referred by:</b>	Cllr Ivan White	<b>Reason:</b>	Impact on amenity of local residents

<b>Applicant:</b> Platinum Retail Limited	<b>Agent:</b> Jennings Design Ltd
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP5, SDP7, SDP9, SDP10 of the City of Southampton Local Plan Review (as amended 2015) and CS13, CS18, CS19 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning History
3	Plans for 14/01845/FUL & 05/00140/FUL		

## Recommendation in Full

### Conditionally approve

#### 1.0 The site and its context

- 1.1 The site is located within the ward of Bitterne Park, on the north side of Bitterne Road West. The surrounding area is mainly characterised by a mix of residential and commercial uses. The closest residential properties to the site are located to the east, in Chafen Road. The gardens of these properties sit at a lower level as the land slopes down at the eastern boundary of the site.
- 1.2 The site itself consists of a petrol filling station and car wash, and a single storey retail building. The petrol filling station and shop currently opens 24 hours without a planning restriction on the hours of operation.

#### 2.0 Proposal

- 2.1 It is proposed to extend the single storey retail unit on the southern elevation (fronting Bitterne Road West) projecting 3.4m towards the roadside. This aspect of the proposal would provide a further 23 sq.m of retail space. To the northern end of the existing building, it is proposed to provide a further 25 sq.m of storage space to serve the shop. This extension projects 7m from the existing building, stepping in 3.4m from the eastern elevation of the existing building. The additions would have a flat-roof design and would be 4 metres in height. The external material treatment proposed is silver colour cladding.
- 2.2 The application also involves changes to the existing shopfront of the building, incorporating increased glazing and over-cladding the existing brickwork. In addition to this, an ATM would be provided to the front elevation of the shop and a refuse enclosure (1.8 metre high timber fence) provided adjacent to the northern site boundary.

#### 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 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.
- 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 relevant history of the site is set out in **Appendix 2**. The petrol station was first granted permission in 1962, and then granted permission to be rebuilt to its current form in 1986 (ref no. 860397/E). There are no conditions imposed to control the opening hours for the retail unit under this permission. A redevelopment of the petrol station, including a larger shop (180sqm) in the same location, was granted permission in 2005, however, this permission was not implemented (see plans attached to **Appendix 3**) and has now lapsed.

4.2 Application 14/01845/FUL, for a similar scheme to the current application, was withdrawn following the advice from officers that it would not be supported, as the close proximity to the neighbour's boundary would unduly enclose their garden (see plans attached to **Appendix 3**). The application proposal has been amended significantly in order to address the concerns raised. The main changes are summarised as follows:

- The previous application proposed an extension entirely to the north of the existing building. The current application breaks the massing by proposing two smaller extensions; one of which would be positioned to the front and thereby away from residential neighbours.
- The previous proposal would project 12 metres from the existing shop, compared with 7 metres for the current north extension.
- The previous addition was between 0.5 and 2.5 metres of the boundary with properties in Chafen Road, where as the current northern extension is between 3 and 4.5 metres of this boundary.
- The overall floor area to be added has been reduced by 17 sq.m.

#### **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (15.05.2015). At the time of writing the report **8** representations have been received from surrounding residents. The following is a summary of the points raised:

##### **5.1.2 Comment**

Disturbance from increased traffic and noise, especially due to the extension of hours for alcohol sale.

##### **Response**

The business has been historically permitted to operate at night time as there are no planning controls over the operating hours. It has a 24 hour alcohol license. The expansion of the sales area is 23sqm, whilst the storage area will be increased by 25sqm. This modest expansion of the shop, given that it is already 136sqm in floor area (net sales area of 90sqm), would not significantly generate additional trips in association with the retail business. The Council's Environmental Health Team has not, therefore, objected to the proposal and it is not considered that the additional noise generated from the business would be so significant as to adversely affect the amenities of the neighbouring occupiers.

5.1.3 Comment

The development will affect the security of local residents at night time from loitering customers due to the expansion of the shop. The existing CCTV system should cover the pavement as well as the forecourt. This would be exacerbated by the unit being used as a cafe.

Response

The premises is not intended to be used as a cafe. It is currently used as an A1 retail premises. Approval would be required prior to changing the use to an A3 cafe.

The Police have not objected to the proposal in terms of security or crime. They have confirmed that there are no recorded complaints or incidents from the residents in Chafen Road within the past 24 months concerning the petrol station. There are also no recorded incidents reported concerning the sales of alcohol. They have recommended a condition to review the existing CCTV system to take into account the proposed alterations and should include external views of the ATM (see condition 05, below). There is, therefore, no reason to assume that the development will have a harmful effect on crime.

5.1.4 Comment

There would be additional parking demand within Chafen Road from users of the shop.

Response

The proposed increase in trading floor space is just over 20 sq.m. Such a limited increase in the actual expansion of the shop is not likely to be significant enough to cause amenity or highway safety concerns in terms of parking pressure in Chafen Road. Vehicular access to Chafen Road is via Rampart Road to the south of the site and as such, it is unlikely that the addition would generate on-street car parking within this street. Furthermore, it is important to note that many trips to the shop will be associated with the main use of the site as a petrol filling station.

5.1.5 Comment

The proposal would result in an increase in littering.

Response

Given the small scale expansion of the shop, it is unlikely to significantly increase littering to the detriment of local amenity. It is responsibility of the owner to ensure that littering on their premises is managed properly.

5.1.6 Comment

This will further spread Japanese Knotweed which is present on the site.

Response

The applicant will be informed of their legal obligation to remove Japanese Knotweed.

5.1.7 Comment

Loss of light to neighbouring properties and gardens in Chafen Road, which would also affect wildlife.

Response

The proposed extension is set back a minimum of 3.3m from the eastern

boundary adjoining the rear gardens of the closest properties within the Chafen Road. The neighbouring gardens would be overshadowed by the extension during the afternoon to late evening period given its position to the south west. This level of overshadowing would not be detrimental to the neighbours' amenity given that the gardens would be unaffected for the majority of the day. The residential gardens are unlikely to have a high biodiversity value or support habitats for protected species.

### **Consultation Responses**

- 5.2 **SCC Highways** - No objection or conditions suggested.
- 5.3 **SCC Police** – No objection, subject to conditions to review the CCTV system to take into account the proposed alterations.
- 5.4 **SCC Environmental Health (Pollution & Safety)** - No objection or conditions suggested.
- 5.5 **SCC Environmental Health (Contaminated Land)** - No objection, subject to conditions to secure a contaminated land assessment and to remediate any contamination.

### **6.0 Planning Consideration Key Issues**

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

- (i) The Principle of development;
- (ii) The Effect on Character and Amenity and;
- (iii) Parking and Highway Safety.

#### **6.2 Principle of Development**

- 6.2.1 Since the application seeks to alter and extend the existing retail use on site, the principle of development is considered acceptable, however, this subject to an assessment of the relevant material considerations as set out below.

#### **6.3 Character and Amenity**

- 6.3.1 The retail unit is currently a single storey building which sits parallel with the eastern boundary adjacent to the rear of the properties within Chafen Road. The single storey extensions to the southern and northern elevations are considered to be modest in scale and massing. As such, the additions would not be out of keeping with the character and appearance of the local area. The proposal would deliver some improvements to the overall design and appearance of the existing shop to the benefit of the character of the area.
- 6.3.2 The extension to the northern elevation would have a minimum separation distance of 3.3 and 4.7 metres from the boundary of 18 Chafen Road (the closest property affected) and between 9.5 and 18 metres to the property itself. The level of the site slopes down to the garden of 18 Chafen Road on the eastern boundary of the site, however, the set back of the extension from the neighbour's boundary would ensure that it would not create undue sense of enclosure or loss of light to their garden. In addition to this, the single-storey scale and flat roof design of the addition would also mitigate the impact on this property.

- 6.3.3 The extension itself would extend the current retail space (90sqm) by 23sqm, whilst the storage area would be expanded by 25sqm. The local residents' concerns about increased noise disturbance together with crime and anti-social behaviour from additional sales activity during the night time, especially from alcohol sales, have been given due consideration. However, this application must be assessed in terms of any additional impact that would directly result from the current application proposal.
- 6.3.4 It is considered that the small scale of the extension would not lead to a significant increase in the use of the shop and petrol station above the existing use during the night time and would, therefore, not materially harm their amenities any further. The Police have not objected on the grounds of crime and safety, recommending a condition to review the existing CCTV system to take into account the proposed alterations and should include external views of the ATM. Overall, it is not considered that the relatively modest extension would result in harm to the amenities of existing residents.

#### 6.4 Highway Safety

- 6.4.1 The existing access arrangements to the site would be unaltered by the current application proposal. An existing disabled parking space would be re-located slightly to accommodate the proposed extension to the store room. Since the extension to the shop floor is modest and related to the existing use of the site as a petrol filling station, the Highway officer deems that the proposal would not create any major highway safety concerns or result in a notable increase in on-street parking in the vicinity of the site. The proposal is, therefore, considered to be acceptable in this respect.

#### 7.0 Summary

- 7.1 In summary, the modest scale of the proposed extension is acceptable in terms of character and amenity and would not adversely affect highway safety. The local residents' concerns with regards to crime and safety have been given due consideration, however, do not have sufficient weight to warrant refusal of the application.

#### 8.0 Conclusion

- 8.1 In conclusion, the proposal is judged to be in accordance with the Council's current policies and guidance and, therefore, is recommended for conditional approval.

#### **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(vv), 7(a), 9(a), 9(b)

**SB for 14/07/15 PROW Panel**

## **PLANNING CONDITIONS**

### **01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

### **02. APPROVAL CONDITION - Materials [Performance Condition]**

Unless otherwise agreed in writing by the Local Planning Authority, the materials to be used for the external walls, windows and roof in the in the construction of the extension hereby permitted, shall be in accordance with the submitted planning application form and plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

### **03. APPROVAL CONDITION - Hours of work for Construction [Performance Condition]**

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

Monday to Friday 08:00 hours to 18:00 hours

Saturdays 09:00 hours to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

### **04. APPROVAL CONDITION - Refuse & Recycling [Performance Condition]**

Prior to the first occupation of the extension hereby approved, the facilities for the storage of refuse shall be provided in accordance with the plans hereby approved and, thereafter, such facilities shall be permanently retained for that purpose.

Reason: In the interests of visual amenity, the amenities of the occupiers of nearby properties and in the interests of highway safety.

### **05. APPROVAL CONDITION – CCTV [pre-commencement condition]**

Prior to the commencement of the development hereby approved, details of the CCTV system on site shall be submitted to and approved in writing by the Local Planning Authority. The submission shall review the existing CCTV system to take into account the extension and ATM hereby approved. Any alterations to the CCTV system that are required shall be implemented before the extension hereby approved first comes into use.

Reason: In the interests of reducing opportunities for crime and anti-social behaviour.

## **06. APPROVAL CONDITION - Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

### Note to the applicant:

1. Please note that any Japanese Knotweed present on the site should be removed. Please consult the Government's and Environment Agency's website for guidance on the removal of the plants.
2. The installation of external lighting and extraction/ventilation equipment may require planning permission. You are advised to contact the Planning Office for further advice if this is to be the case.

**Application** 15/01037/FUL

**APPENDIX 1**

### **POLICY CONTEXT**

#### Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

#### City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security

#### Supplementary Planning Guidance

Parking Standards SPD (September 2011)

#### Other Relevant Guidance

The National Planning Policy Framework (2012)

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**Application** 15/01037/FUL

**Relevant Planning History**

1216/60R1 - ERECTION OF PETROL STATION - CAP 1962

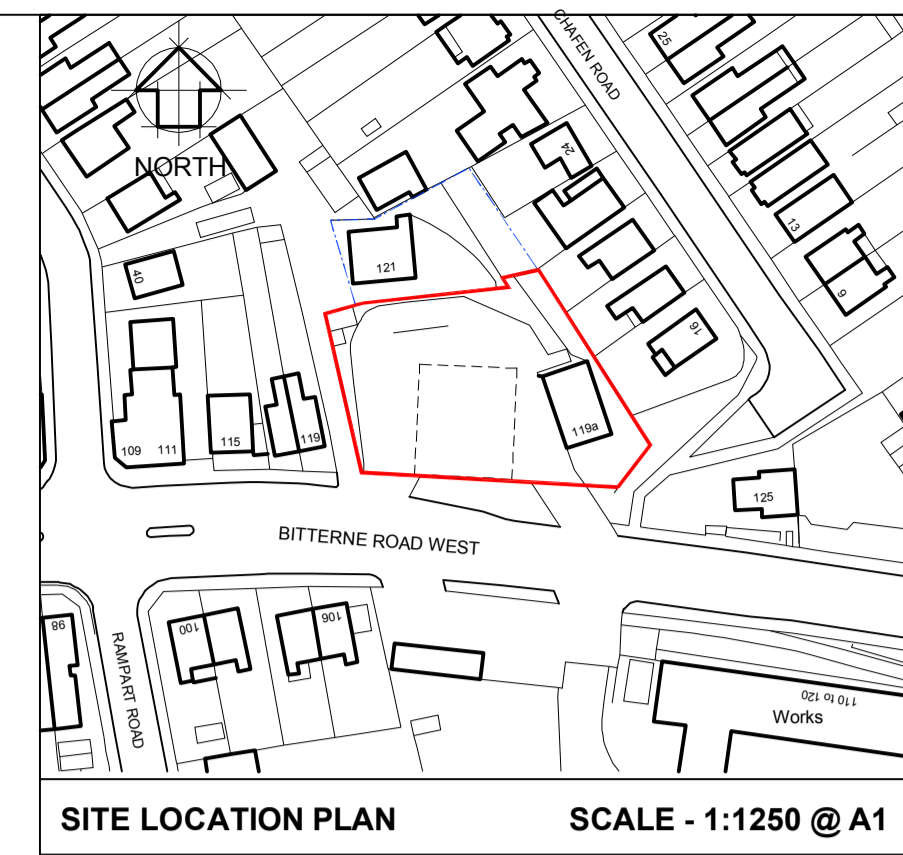
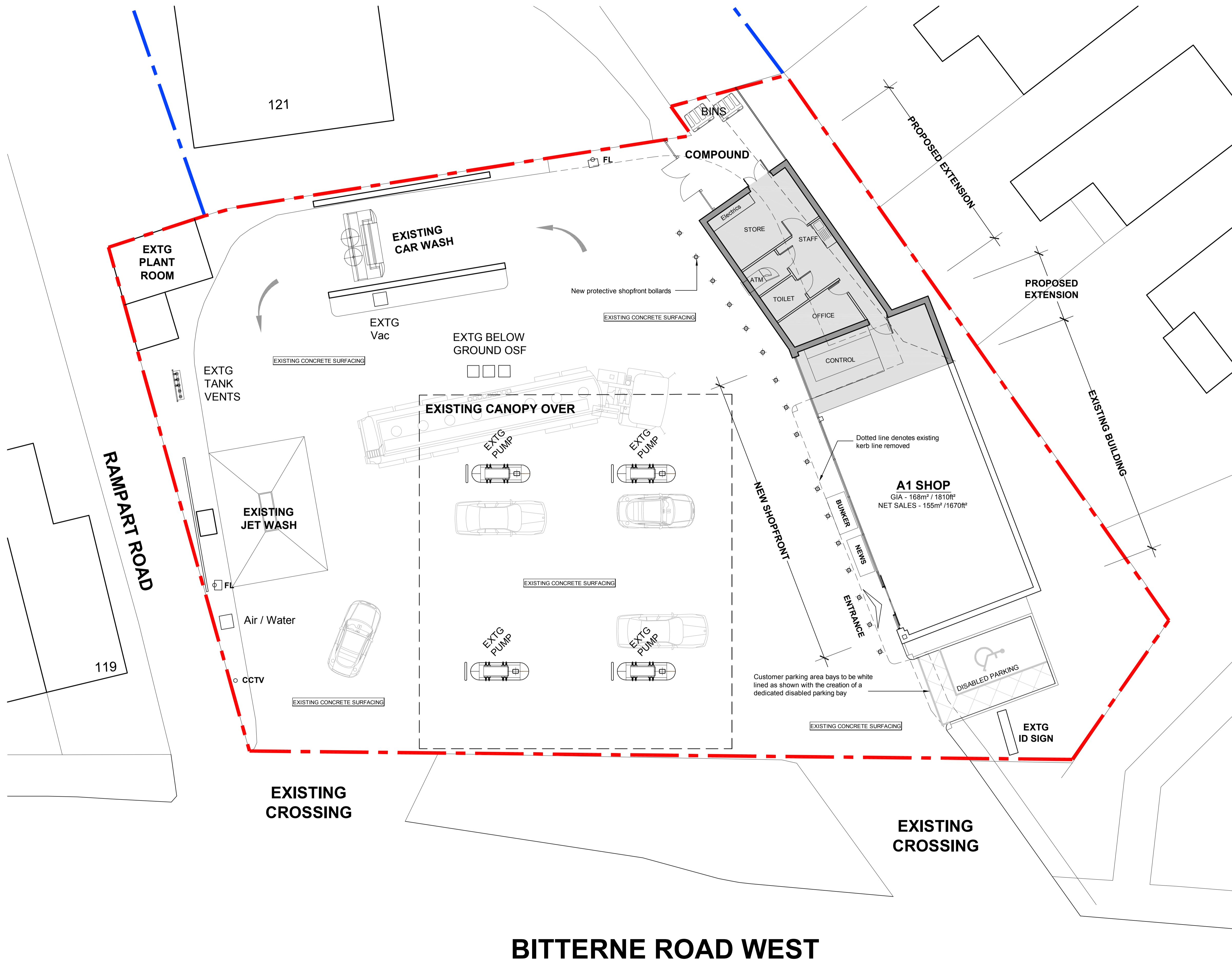
1241/45R1 - CARWASH - CAP 1963

860397/E - REDEVELOPMENT OF SITE BY ERECTION OF NEW FILLING STATION  
AND CAR WASH - CAP

05/00140/FUL - Redevelopment of petrol filling station to provide new pump islands,  
replacement canopy and sales building (180 sq. metres) with ATM, car care facilities and  
associated car parking - CAP

14/01845/FUL - Proposed extension to form additional A1 retail floor space. New shopfront  
- WDN

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**GENERAL NOTES**

1. This drawing has been prepared for the sole purpose of obtaining planning permission.
2. This drawing is to be read in conjunction with drawings numbered 141068-PLG10 - Layout as Existing, 141068-PLG11 - Existing Elevations, 141068-PLG12 - Proposed Layout, 141068-PLG13 - Proposed Elevations
3. Any advertisements are indicative and are subject to a separate advertisement application

**SCOPE OF WORKS**

It is the proposal to extend the existing petrol filling station building to provide more retail space. The Extension will be used for the back of house as denoted for: Store, Office, WC, ATM, Staff area & Electrics.

The existing shopfront to the building will be removed and a new aluminium framed and glazed unit will be installed to the extents shown.

The existing kerb to the front of the building will be removed and new bollard protection will be installed as shown. Allow for any re-grading to existing surfacing.

**SCHEDULE OF MATERIALS**

**WALLS:**

To the rear of the building to be a selected and approved facing brickwork to match the existing building elevation.

To the remainder of the elevations the existing building is to be over-clad in silver cladding panels & the extension is to be formed in cladding to match.

**ROOF**

Flat roof with parapet to match existing building to outfall to existing surface water drainage

**SHOPFRONT**

New Aluminium framed and glazed shopfront with automatic sliding entrance doors. Frames to be finished grey.

**COMPOUND**

1.8m High tanalised timber compound on 100x100mm posts.

SCHEDULE OF AREAS	
RED LINE SITE	0.1355 Hectares / 0.33Acres
Shop - Existing GIA	84m <sup>2</sup> / 905ft <sup>2</sup>
Shop - Existing Net Sales	47m <sup>2</sup> / 505ft <sup>2</sup>
Extension - Gross Internal Area	71m <sup>2</sup> / 764ft <sup>2</sup>
Shop - Proposed Net Sales	112m <sup>2</sup> / 1200ft <sup>2</sup>
Building - Total GIA (Inc Extension)	155m <sup>2</sup> / 1670ft <sup>2</sup>

Rev	Date	Comments
STATUS	PLANNING	
PROPOSAL	Shop Extension	
SITE LOCATION	MANOR SERVICE STATION 123 Bitterne Road West Southampton, SO18 1AR	
TITLE	PROPOSED SITE LAYOUT	
CLIENT	PLATINUM RETAIL	

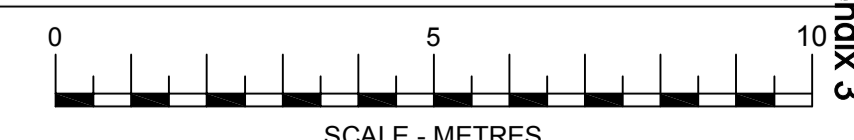
**JENNINGS DESIGN LIMITED**

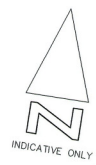
York House, Valley Court, Canal Road,  
Bradford, West Yorkshire, BD1 4SP.

TEL. No. 01274 395422  
FAX. No. 01274 395427  
E-mail office@jen305.com

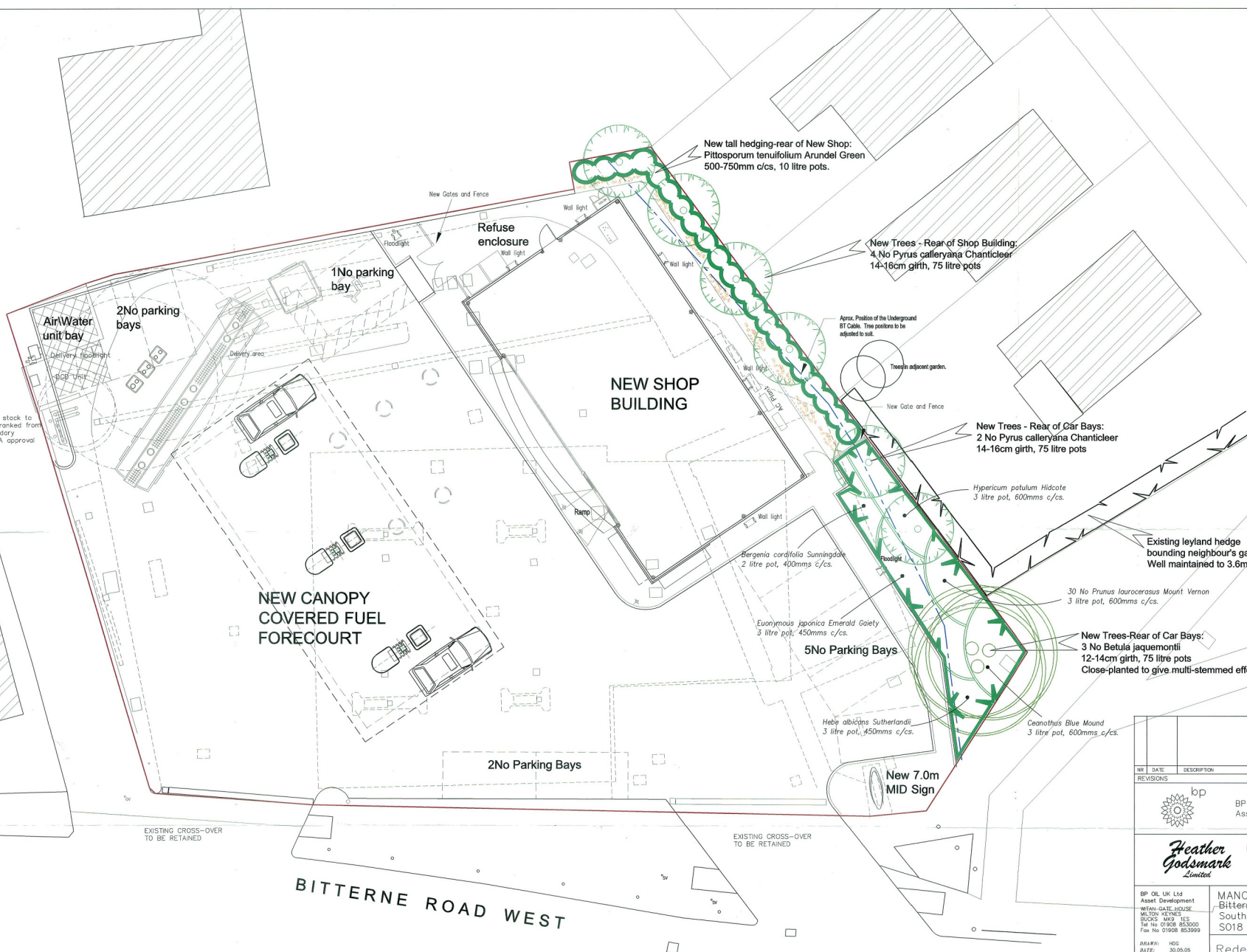
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Date: October 2014	Scales: 1:100 @ A1

PLAN NO. 141068-PLG3





Page 126



## MANOR CONNECT

BITTERNE ROAD WEST

PLANNING & SUSTAINABILITY  
- 7 JUN 2005

NO	DATE	DESCRIPTION
REVISIONS		
		bp BP OIL UK Ltd Asset Development

**Heather Godsmark Limited**  
Landscape Architects & Horticultural Consultants

Heather Godsmark Limited, 100, Bitterne Road, Southampton, SO18 1AR  
Tel: 01703 855000 Fax: 01703 855999

BP OIL UK Ltd  
Asset Development  
WYMAN GATE HOUSE  
MILTON KEYNES  
BUCKS MK9 1EJ  
Tel No 01296 855000  
Fax No 01296 855999

MANOR S/STn  
Bitterne Road West  
Southampton  
SO18 1AR

Redevelopment Plan  
PLANTING PROPOSALS

DRAWING No: 12964-57  
REV

SCALE: 1:1000 A1  
Notes: Dimensions should not be taken from this drawing (APPROPRIATE FOR A1 ONLY)

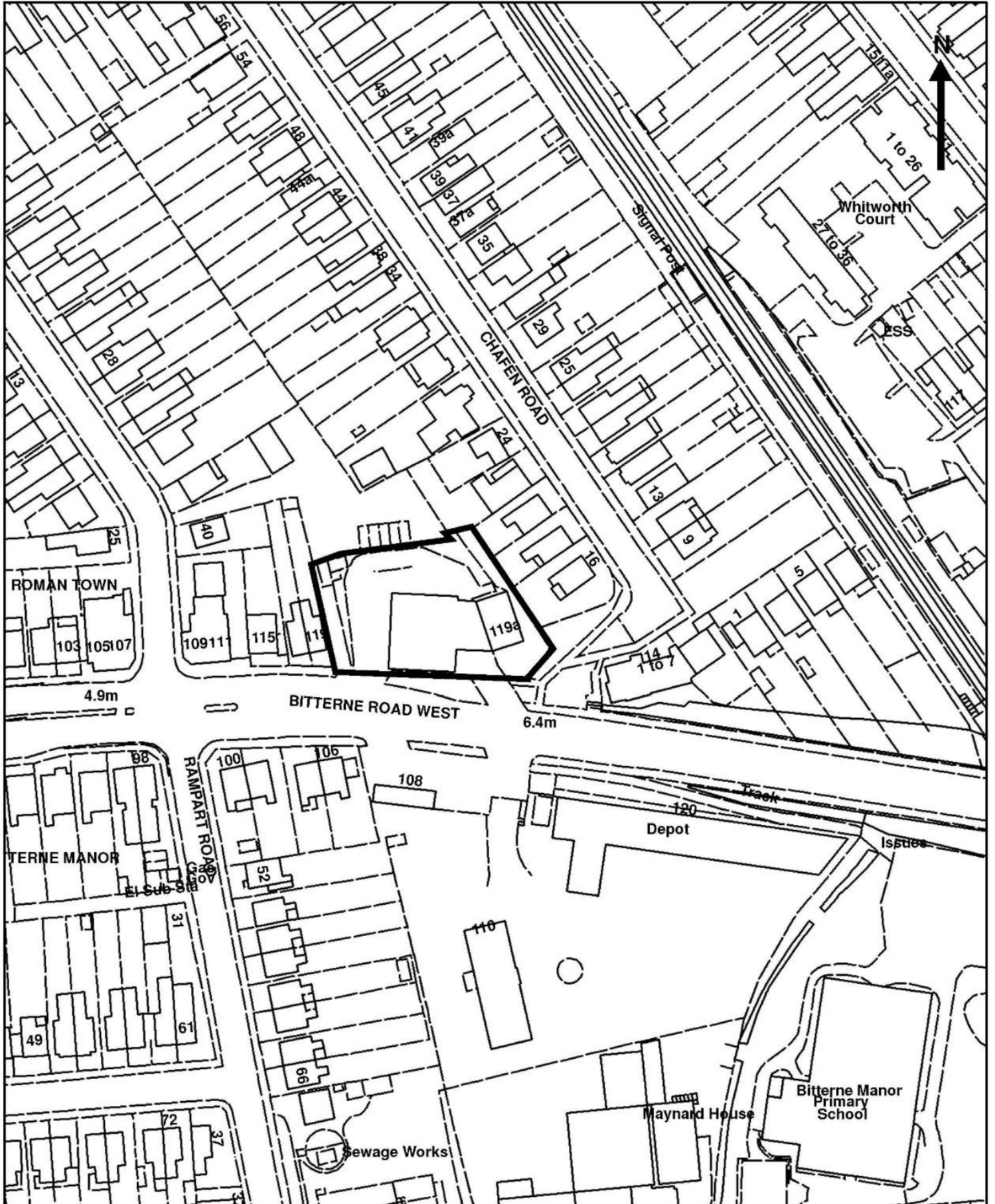
CAD REF: Heather Godsmark Ltd

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# Agenda Item 10

## 15/01037/FUL

Appendix 4



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# Agenda Item 11

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 14th July 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 238 Hill Lane			
<b>Proposed development:</b> Erection of a two storey rear extension, installation of solar panels and front porch canopy			
<b>Application number</b>	15/00973/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	John Fanning	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	01.07.2015	<b>Ward</b>	Shirley
<b>Reason for Panel Referral:</b>	Five representation letters have been received contrary to officer recommendation	<b>Ward Councillors</b>	Cllr Chaloner Cllr Kaur Cllr Coombs
<b>Referred by:</b>	N/A	<b>Reason:</b>	N/A

<b>Applicant:</b> Mr & Mrs Renyard	<b>Agent:</b> Mr Richard Bullen Plum Architects Ltd
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<b>Recommendation Summary</b>	Conditionally Approve
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<b>Community Infrastructure Levy Liable</b>	No
---	----

**Reason for granting Planning Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (as amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning history

## **Recommendation in Full**

### **Conditionally approve**

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

- 1.1 The application site contains a detached, two-storey dwelling house. The property is situated on the western side of Hill Lane, opposite Southampton Common. The surrounding area is predominately residential, though in close proximity to both a school and college.

#### **2.0 Proposal**

- 2.1 The application proposes a two-storey rear extension to the existing dwelling. The main body of the proposed extension protrudes 4m from the rear wall (with a small bay element protruding up to 4.5m). The extension has a hipped roof design coming back from the ridge of the main dwelling and matching the pitch of the existing roof.
- 2.2 The proposed internal layout facilitated by the extension maintains the existing total of 4 bedrooms in the property. The layout has been modified to provide a number of additional bathrooms and an enlarged kitchen/dining area at ground floor level.
- 2.3 The application also proposes the insertion of solar panels to the front, south-facing roof slope of the dwelling and a front entrance canopy.

#### **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**. In particular, saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and requires the scale, massing and design of buildings to reflect the context and be of high quality. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.
- 3.2 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 A previous application for a similar extension was submitted earlier this year but withdrawn by the applicant, prior to determination, following concerns raised by officers. The scheme has been amended to increase the separation of the



proposed extension from the boundary with the neighbouring property. An application for a dropped kerb and hard standing to the front of the property was approved on 06.11.2014. Full details are available in **Appendix 2** of this report.

## **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. At the time of writing the report 5 representations have been received from surrounding residents. The following is a summary of the points raised:

### 5.2 Comment

The proposal would result in loss of view in garden

#### Response

The loss of a view is not a material planning consideration. However, it is noted that loss of daylight and/or outlook may be considered. These issues are addressed more fully in section 6 of this report, below.

### 5.3 Comment

The application would set a precedent for similar development in the area.

#### Response

Each application must be considered on its individual merits at the time of submission

### 5.4 Comment

The proposed extension is oversized and would be out of character with the original dwelling and surrounding properties. The side elevations of the extension would appear as an unbroken expanse of brickwork which would be unattractive when viewed from neighbouring properties.

#### Response

The proposed extension is set in from the existing side elevations of the dwelling, and the massing of the roof is relieved by the incorporation of a rear-facing bay window. A rear garden of approximately 175 sq.m would be retained to serve the dwelling, which is well in excess of the Council's guidelines for detached properties (90 sq.m). The roof form and pitch, the design of fenestration and choice of materials for the addition would all reflect the character of the existing property. Furthermore, since the extension would not be readily visible from public vantage points, its impact on the character of the area would be limited.

### 5.5 Comment

The proposal would result in overshadowing/loss of light to the neighbouring properties and gardens. This would be a particular issue in winter months.

#### Response

A 3D shadowing model was provided with one letter of representation. As a point of clarity it is noted that the proposal shown in this diagram is the previous withdrawn scheme. That said, whilst it is acknowledged that the addition would result in some additional over-shadowing of the neighbouring property to the north of the site, the majority of the property and garden would be unaffected by

shading for the most part of the day. As such, the proposal is not considered to represent significant harm to residential amenity in this respect.

5.6 Comment

The proposal does not differ significantly from the previously withdrawn scheme

Response

The current proposal steps the proposed extension from the north side elevation of the property by approximately 1.4 metres. This achieves a separation from the northern site boundary of no less than 2 metres.

5.7 Comment

The submitted Design and Access Statement gives a misleading impression that properties to the north all have large extensions, which is not the case.

Response

A satellite photograph of the site was included in the Design and Access Statement physically demonstrating the layout of neighbouring properties. The assessment of the planning application is made taking into account all submitted information, including letters of representation received and a visit to the site and surrounding area.

5.8 Comment

The massing of the proposed extension would be overbearing when viewed from neighbouring properties. This is due to the height of the extension, the bulky roof design and proximity to the boundaries with the neighbouring property.

Response

As noted above, the extension would project between 4 and 4.5 metres from the original rear wall of the dwelling. Having regard to the detached nature of the property and the spacious nature of the plot, this is not considered to be excessive. The extension is designed with a hipped roof form to match the main house, which slopes away from the boundaries with the neighbouring properties. Furthermore, the extension adheres to guidelines for new extensions as set out in the Council's Residential Design Guide Supplementary Planning Document. This is discussed in more detail below.

5.9 Comment

The applicant has stated they received advice from the Planning Department prior to resubmission. Any such advice should not prejudice the outcome of this application.

Response

Any officer-level advice provided prior to the submission of an application is provided without prejudice to the eventual decision that the Council will take. This application has been assessed having regard to all relevant material planning considerations.

5.10 Comment

An alternative proposed extension would be more appropriate

Response

The application must be considered on its individual merits at the time of

submission. The relative merits of an alternative proposal are not relevant to the consideration of this scheme, since they have not been submitted as part of this application.

#### 5.11 Comment

The proposal would result in overlooking of a neighbouring bathroom window in Radway Road

#### Response

The proposed extension would be over 13 metres from the boundary with the neighbouring property on Radway Road, which is also positioned slightly south of the application property. The Council's adopted Supplementary Planning Guidance usually looks for no less than 12.5 metres separation in this circumstance and the proposal would accord with this.

### **6.0 Planning Consideration Key Issues**

6.1 The proposed solar panels and front porch canopy would have a minimal impact on the character and appearance of the area or the neighbouring properties. The key issues for consideration are, therefore, the impact of the design and scale of the proposed extension on the character of the area and the relationship of the proposal on the amenities of the occupants of the host dwelling or neighbouring occupiers.

#### 6.2 Design and Character

6.2.1 The application proposes a sizable two-storey rear extension. The proposal will be somewhat visible from Radway Road, however given the set back from the immediate street scene by 18 metres and the boundary treatment in this location, it is not considered that the proposal would have a significant impact on the character of the area when viewed from the public realm. The existing dwelling is a sizeable property and taking into account the hipped roof design matching the existing dwelling, pattern of the windows and choice of materials, overall it is not felt that the proposal will significantly over-dominate the character of the existing dwelling.

6.2.2 The application site itself is spacious and the rear garden that would be retained would be approximately 175 sq.m in area and between 13 and 18 metres in depth. This would ensure that the site would not appear over-developed and that the spacious character of the site and surrounds would be respected. Furthermore, the manner in which the extension would be set in from the side elevations of the existing dwellings would ensure that it would not dominate the original character of the host dwelling. On this basis, it is not considered that a reason for refusal would be justified in terms of the impact on the design or character of the host dwelling within the surrounding street scene.

#### 6.3 Amenities of occupants

6.3.1 The footprint of the proposed dwelling covers 28m<sup>2</sup> of existing garden space. The property retains ~175m<sup>2</sup> of garden space, well in excess of the 90m<sup>2</sup> area and 10m depth advised for a detached dwelling in the Residential Design Guide. Whilst it is noted that some of this space is currently taken up by an existing outbuilding at the property, given the large garden, it is not considered that the

proposal would be harmful in this regard.

- 6.3.2 The application proposes a number of amendments to the internal layout of the property, primarily to provide additional bathrooms/bedroom space at first floor (with the number of bedrooms remaining static at 4) and a large dining room at ground floor level. Notwithstanding the size of the extension, it is considered that the property retains adequate outlook and access to natural light for habitable rooms by taking advantage of the shape of the property and the front and rear facing windows in a number of the rooms.

#### 6.4 Amenities of neighbouring occupiers

- 6.4.1 The proposal would protrude beyond the existing rear building line of both neighbouring properties to the north and south at 240 and 236 respectively. The scale of the proposed extension raises matters for consideration in terms of both the potential for the creation of an overshadowing or overbearing form of development when viewed from these properties.
- 6.4.2 There is some screening vegetation at present towards the southern site boundary with 236 Hill Lane. The relative orientation of the two properties reduces the potential for an overshadowing effect on this property. In addition, the proposal would achieve no less than 5 metres separation from the boundary with this property to the south of the site. Given the setback between the properties it is felt that the factors mentioned above sufficiently mitigate the potential impacts of the proposal on the occupiers of 236 Hill Lane.
- 6.4.3 The key matter is the relationship of the proposal with the neighbouring property to the north, at 240 Hill Lane. The proposal has been designed such that the extension will not come within 2m of the common boundary at its closest point (reducing to 2m towards the rear given the relative orientation of the extension and boundary line). The neighbouring property has an existing conservatory to the side, with the main bulk of the dwelling set somewhat off the common boundary.
- 6.4.4 In terms of protecting outlook and access to natural light from existing habitable room windows, the proposed extension complies with the 45 degree code (as outlined in 2.2.11-13 of the Residential Design Guidance). The Guidance confirms that the purpose of this code is to ensure satisfactory outlook, natural light and to prevent excessive over-shadowing of neighbouring properties and is based on established Building Research Establishment guidance. The impact of the extension on the rear-facing habitable rooms in 240 Hill Lane is, therefore, considered to be acceptable.
- 6.4.5 Section 2.2.18 of the Residential Design Guide also notes that, where considering the potential impact of extensions on neighbouring properties, the general degree of enclosure to the neighbouring gardens should be considered. The Guidance goes on to confirm that, where neighbouring gardens are large and enjoy outlook in a number of directions, other than over the site being developed, the impact will be less. Both the neighbouring properties have sizeable gardens, with significant outlook. On this basis, notwithstanding the orientation of the plot, and with reference to the set back of the extension from the common boundary, on balance it is not considered that the proposal will result in such significant harm.

## **7.0 Summary**

7.1 The proposal will not have a significantly harmful impact on the amenities of the occupants of the host dwelling or neighbouring occupiers and the proposal will not significantly harm the overall character of the property within the surrounding street scene.

## **8.0 Conclusion**

8.1 For the reasons discussed above, the application is recommended for conditional approval.

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

1(a)(b)(d), 2(b)(d), 4(f)(vv), 6(a)(c)(i), 7(a), 8(a), 9(b)

### **JF1 for 14/07/15 PROW Panel**

### **PLANNING CONDITIONS**

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works  
The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION - Materials to match [Performance Condition]  
The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

03. APPROVAL CONDITION - Approved Plans  
The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development  
SDP7 Urban Design Context  
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Parking Standards SPD (September 2011)

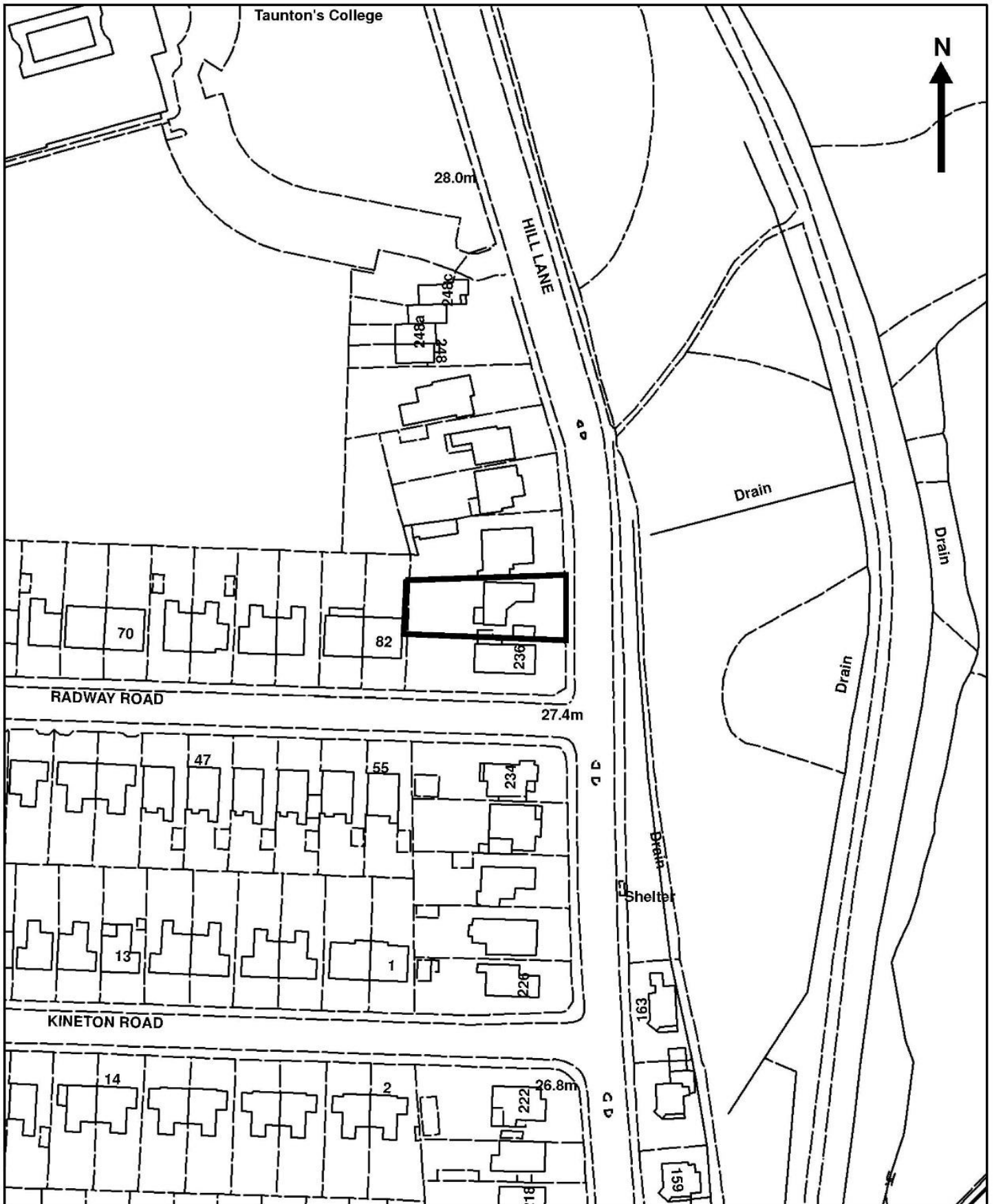
Other Relevant Guidance

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

**Relevant Planning History**

14/02093/FUL, Erection of a two-storey rear extension and installation of solar panels  
Withdrawn, 19.02.2015

14/01405/FUL, Formation of new vehicle access with dropped kerb and additional hard  
standing at the front of the property, and repositioning of the front boundary wall  
(amended description)  
Conditionally Approved, 06.11.2014



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# Agenda Item 12

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 14th July 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 121-127 Redbridge Road			
<b>Proposed development:</b> Erection of a detached, single-storey structure for use as a jet wash facility			
<b>Application number</b>	15/00189/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	John Fanning	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	23.04.2015	<b>Ward</b>	Redbridge
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors</b>	Cllr McEwing Cllr Whitbread Cllr Pope
<b>Referred by:</b>	Cllr Pope	<b>Reason:</b>	Concern regarding highways safety

<b>Applicant:</b> Julian Cole	<b>Agent:</b> N/A
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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**Reason for granting Planning Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7, SDP9, SDP16 and SDP21 of the City of Southampton Local Plan Review (as amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Plans and Decision Notice for 971080/W

## Recommendation in Full

### Conditionally approve

#### 1.0 The site and its context

- 1.1 The application site is currently occupied by a car sales/hire use. The site fronts onto Redbridge Road, one of the main arterial routes through the city. The site is accessed from the Redbridge Road frontage.
- 1.2 The site lies to the west of the Millbrook Trading Estate and the immediately adjacent properties on the Redbridge Road frontage are also in commercial use. However, the site is also bordered, to the rear, by a number of residential properties fronting onto Oakridge Road.

#### 2.0 Proposal

- 2.1 A structure has been erected, adjacent to the western site boundary, which currently is used to provide a jet wash facility. The structure is single-storey, profile metal finish, with a pitched roof. The structure accommodates two vehicular bays with roller shutter doors to the front elevation.
- 2.2 The existing structure and jet wash facility has been installed without planning permission and this application seeks to address this breach in planning control, although proposes to re-locate the building and jet wash facility to the south-east corner of the site. The structure will also be used as an area for the vacuuming and polishing cars, with an adjacent section of land to be utilised as a car spray jet wash area.
- 2.3 Car washing and valeting could usually be considered as being ancillary to the main use of the site and not, therefore, require planning permission. However, in this case, the original planning permission restricted the location in which jet washing could occur and, permission is also required for the new structure itself.

#### 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**. The site is allocated for residential purposes by saved Local Plan policy H1.
- 3.2 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. Policy SDP16 seeks to protect the occupiers of residential properties from noise-generating uses.

- 3.2 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 existing use of the site for vehicle hire, sales with workshop and associated offices was originally granted planning permission in 1998 (planning application reference 971080/W). The approved layout and decision notice are included as **Appendix 2** of this report. Condition 5 of this permission restricted the use of jet spray wash to a workshop on the south-east corner of the site. This workshop building is no longer present on site.

#### **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 13 adjoining and nearby landowners and erecting a site notice (06.03.15). At the time of writing the report **0** representations have been received from surrounding residents and **1** response was received from Ward Councillor Pope raising the following points:

##### Comment

The site is located adjacent to a busy road and cycle path and run-off from the proposed use will be a safety issue to cyclists. The application should have been submitted prior to any works on site and should have included details of how drainage will be managed.

##### Response

The application has been submitted to regularise the existing breach of planning control and is to be determined on its merits. The application proposes to relocate the existing car wash to the south-east corner of the site which is approximately 40 metres from the highway. As such, the Council's Highway officers are satisfied that run-off from the jet spray would not be hazardous for users of the adjoining public highway and footway. Planning permission should not be withheld where a suitably worded planning condition can address matters of concern. In this case, a condition to secure appropriate drainage is recommend (see condition 5 below).

#### **5.2 Consultation Responses**

- 5.2.1 **SCC Highways** - Given the distance of the car wash from the highway, it is not considered that the proposal would result in the migration of water onto the public highway. As such, it would be appropriate to apply a condition to secure adequate drainage.

- 5.2.3 **SCC Environmental Health** – No objection.

- 5.2.4 **Southern Water** –

No objection.

## 6.0 Planning Consideration Key Issues

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

- (i) The principle of development;
- (ii) The impact on the residential amenity;
- (iii) The impact on the character of the area;
- (iv) Drainage and;
- (v) Highways and Parking.

### 6.2 Principle of Development

6.2.1 The site currently has an authorised use as a car sales/hire business and the valeting of vehicles could take place at any part of the site without needing planning permission. However, as part of the original consent a condition was imposed which required that any jet spray washing of vehicles take place solely in a specified workshop or other location to be agreed with the Local Planning Authority. The originally identified structure has been removed from the site and as set out above, this application seeks permission for a replacement structure. As such, a replacement jet wash building is considered to be acceptable, in principle, subject to the specific circumstances of the proposal, as discussed below.

6.2.2 Whilst the site is allocated for residential development under Policy H1 of the Local Plan, the proposal relates solely to minor alterations to the existing use of the site which does not compromise the potential for residential redevelopment. As such, it is not considered that the proposal would be contrary to the provisions of this policy.

### 6.3 Impact on Residential Amenity

6.3.1 The proposed new location of the car wash is directly adjacent to the rear gardens of neighbouring residential properties on Oakridge Road. While there is some potential for increased noise and activity in immediately proximity to the boundary, it is considered that this could be adequately controlled through the use of conditions restricting the hours operation of the use (see condition 4, below). Furthermore, it is important to note that the original planning permission for the site (see **Appendix 2**) allowed a jet wash and car workshop in this area of the site and within the same limitations on hours of operation as currently proposed.

6.3.2 The relocation of the proposed structure would physically separate the proposed jet washing area from the neighbouring residential gardens and there would be approximately 30 metres from the nearest dwellings themselves. Furthermore, as noted above the vacuuming of vehicles could take place from any part of the site, without requiring planning permission. The structure itself, being single-storey in scale, and with a modest footprint, would not have a harmful impact on the neighbouring properties or gardens. Having regard to the existing commercial nature of the site and surroundings, the relationship with the nearby residential properties is, therefore considered to be acceptable.

### 6.4 Impact on Character of the Area

6.4.1 The new location of the structure would be set well back from the public highway and therefore would have a limited impact on the character and appearance of the

area. The structure is modest in scale and its appearance would be appropriate to the commercial nature of the site.

#### 6.4 Drainage

6.4.1 Given the proposed position of the proposed building it is not considered likely that there will be significant migration of water to the public highway. Notwithstanding this, it is accepted that (particularly with reference to the neighbouring residential uses) there may be an issue associated with any surface water run-off. As such a condition is recommended requiring the submission and installation of additional information regarding proposed drainage.

#### 7.0 Summary

7.1 Provided the use of the outbuilding is restricted by appropriate conditions it is not felt that the proposal represents a significantly harmful form of development to neighbouring properties, either in terms of the physical form of the development or the proposed use.

#### 8.0 Conclusion

8.1 For the reasons discussed above, the application is therefore recommended for conditional approval.

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

1(a)(b)(c)(d), 2(b)(d), 6(c), 7(a), 9(b)

**JF for 14/07/15 PROW Panel**

### **PLANNING CONDITIONS**

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works  
Within 3 months of the date on which this planning permission was granted, the existing jet wash facility and building, adjacent to the western boundary of the site, shall be removed and the site returned to its former condition. The development works and use hereby approved, which includes the re-positioning of the existing structure to the south-east corner of the site, shall not begin later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to resolve the existing breach in planning control in the interest of the character of the area, residential amenity and the safety and convenience of the users of the adjoining highway.

02. APPROVAL CONDITION - Restriction to ancillary use [Performance Condition]

The jet spray washing area hereby approved shall operate as an ancillary function of the vehicle hire and car sales use of the site only.

Reason:

To protect the amenities of the neighbouring occupiers and allow the Local Planning

Authority to retain control of the site.

04. APPROVAL CONDITION - Hours of Use [Performance Condition]

The use of the outbuilding and area for jet spray washing facility hereby approved shall not operate outside the following hours:

Monday to Saturday

08.00 hours to 20.30 hours

At no time on Sundays or Public Holidays.

Reason:

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

05. APPROVAL CONDITION - Drainage Details [Pre-Occupation Condition]

The jet wash use of the outbuilding hereby approved shall not commence until details for the surface water drainage have been submitted and approved in writing by the Local Planning Authority. Such details should include measures to prevent discharge of grit and other chemicals. The drainage shall be full implemented in accordance with the agreed details before the use-recommences and retained as approved.

Reason:

To prevent surface water runoff from the use from polluting the watercourses and in the interest of the amenities of neighbouring occupiers.

06. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

**Application** 15/00189/FUL

**APPENDIX 1**

### **POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13          Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

SDP1          Quality of Development  
SDP7          Urban Design Context  
SDP9          Scale, Massing & Appearance  
SDP16        Noise  
H1            Housing Supply

Other Relevant Guidance

The National Planning Policy Framework (2012)

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### DETERMINATION OF APPLICATION

#### TOWN AND COUNTRY PLANNING ACT 1990 Town and Country Planning General Development Order 1988

DELTA CHARTERED ARCHITECT  
102 EUSTON STREET  
LONDON  
NW1 2HA

In pursuance of its powers under the above Acts and Order, the Southampton City Council, as the District Planning Authority, hereby gives notice that the application described below is:

#### CONDITIONALLY APPROVED

Proposal	USE FOR VEHICLE HIRE AND SALES AND ERECTION OF A VEHICLE WORKSHOP WITH ASSOCIATED OFFICES
Site Address	121-127 REDBRIDGE ROAD SOUTHAMPTON SO1 0NR
Application No	971080/4663/W

In accordance with the details submitted with the FULL Application No 971080/4663/W subject to the following conditions:-

01

The development hereby permitted shall be begun not later than five years from the date on which this planning permission was granted.

#### REASON

To comply with S.91 of the Town and Country Planning Act 1990.

02

The development hereby approved shall be implemented solely in accordance with the following plans or documents received by the Local Planning Authority. Drawing nos 97320/SK003D received 24 September 1997 and 97320/L1005C received 11 February 1998.

#### REASON

To define the consent and for the avoidance of doubt.

03

The workshop shown on the approved plans shall only be used for the repair or maintenance of vehicles for sale or hire at the premises, and shall at no time be used for vehicle spraying except for the respraying of minor repairs.

#### REASON

To prevent an overintensive use of the premises and to protect the amenity of neighbouring residential properties.

04

No repairs to vehicles shall take place other than in the garage workshop.

#### REASON

In the interests of the visual amenities of the area and to protect the amenity of neighbouring residential properties.

## NOTES

1. This permission relates to planning control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please get in touch with Building Control Services, Telephone Southampton 832558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) Regulations. Development affecting buildings of special Architectural or Historic interest is also the subject of separate Listing Building Consent. Any queries should be made to the Head of Planning and Development Management as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the District Planning Authority to approve the proposed development subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 78 of the Town and Country Planning Act, 1990 within six months of the date of decision. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the District Planning Authority, or could not have been granted other than subject to the conditions imposed by it having regard to the statutory requirements, to the provisions of the development order and to any directions given under that order.
4. If permission to develop land is granted subject to conditions, whether by the District Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part iv of the Town and Country Planning Act 1990.
5. In certain circumstances, a claim may be made against the District Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
6. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in note 1.
7. For those developments which are covered by Sections 4, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 the attention of developers is drawn to the relevant provisions of the 1970 Act and to the British Standards Institution Code of Practice for Access for the Disabled to Buildings (BS 5810:1979) or the Department of Education and Science Design Note 18 "Access for the Physically Disabled to Educational Buildings" (Section 4 of the 1970 Act covers buildings or premises to which the public are to be admitted, Section 8 relates to educational buildings and Section 8A covers offices, shops, railway premises and factories).

Please address any correspondence in connection with this form quoting the application number to:

Head of Planning and Development Management, Civic Centre, Southampton SO14 7LH.  
Telephone Southampton 832603

05

The jet spray washing of vehicles shall only take place within the workshop shown on the approved plans, or in such other location to be agreed in writing beforehand by the Local Planning Authority.

REASON

To protect the residential amenity of the neighbouring caravans and houses.

06

The area shown on the approved plans for customer parking shall be laid out and clearly marked for that purpose within 3 months of the date of this consent, and shall subsequently be maintained and used only for that purpose.

REASON

To avoid parking and congestion on adjacent highways.

07

The workshop shown on the approved plan shall only be in use between the hours of 8.00 am and 8.30 pm Mondays to Saturdays and at no time on Sundays or recognised public holidays.

REASON

To protect the amenity of neighbouring residential properties.

08

Notwithstanding the provisions of the Town and Country General Development Order 1988 (as amended) (or any Order revoking or re-enacting that Order) no access other than that shown on the approved plan shall be formed to the site, and all other footway and verge crossings shall be stopped up and abandoned and reinstated to the satisfaction of the Local Planning Authority within 6 months of the date of this consent.

REASON

In the interests of highway safety especially in respect of the cycle track which is located along the highway frontage of the site.

09

The window or windows in the elevation(s) specified below shall be glazed in obscure glass before the development hereby permitted is first occupied and shall be permanently maintained in obscure glass. All windows to the rear (south) elevation.

REASON

To protect the privacy enjoyed by the occupiers of the adjoining property.

10

Details of satisfactory facilities to be provided for the storage and removal of refuse from the premises shall be submitted to the Local Planning Authority before the building is first occupied.

REASON

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

11

The area shown on the approved plan as 'manoeuvring area' shall be laid out within 3 months of the date of this consent and thereafter used only by vehicles being manoeuvred for the purpose of affording access to vehicles within the block parked areas of displayed vehicles.

REASON

To avoid parking and congestion on adjacent highways.

12

Within 3 months of the date of this consent details of the proposed fence to the frontage of the site and of other measures to prevent surface water run-off onto the adjacent highway shall be submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented within 6 months of the date of the consent.

REASON

In the interests of the safety and convenience of highway users.

13

A detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hardsurfaced areas, shall be submitted to and approved by the Local Planning Authority before the commencement of any site works. Any trees, shrubs, seeded or turfed areas which within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased shall be replaced by the Developer in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The developer shall be responsible for any replacements for a period of 5 years from the date of planting. The approved scheme shall be carried out before within one year of the date of this consent.

REASON

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

14

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

REASON

To ensure that the archaeology of the site is properly investigated.



Mark Luken  
Head of Planning and Development Management

Dated 19th March 1998

DLE

971080 / 4663 / W

SOUTHAMPTON CITY COUNCIL  
DEPARTMENT OF STRATEGY & DEVELOPMENT  
STATUTORY COPY

PLANNING & DEVELOPMENT  
24 SEP 1997  
SERVICES

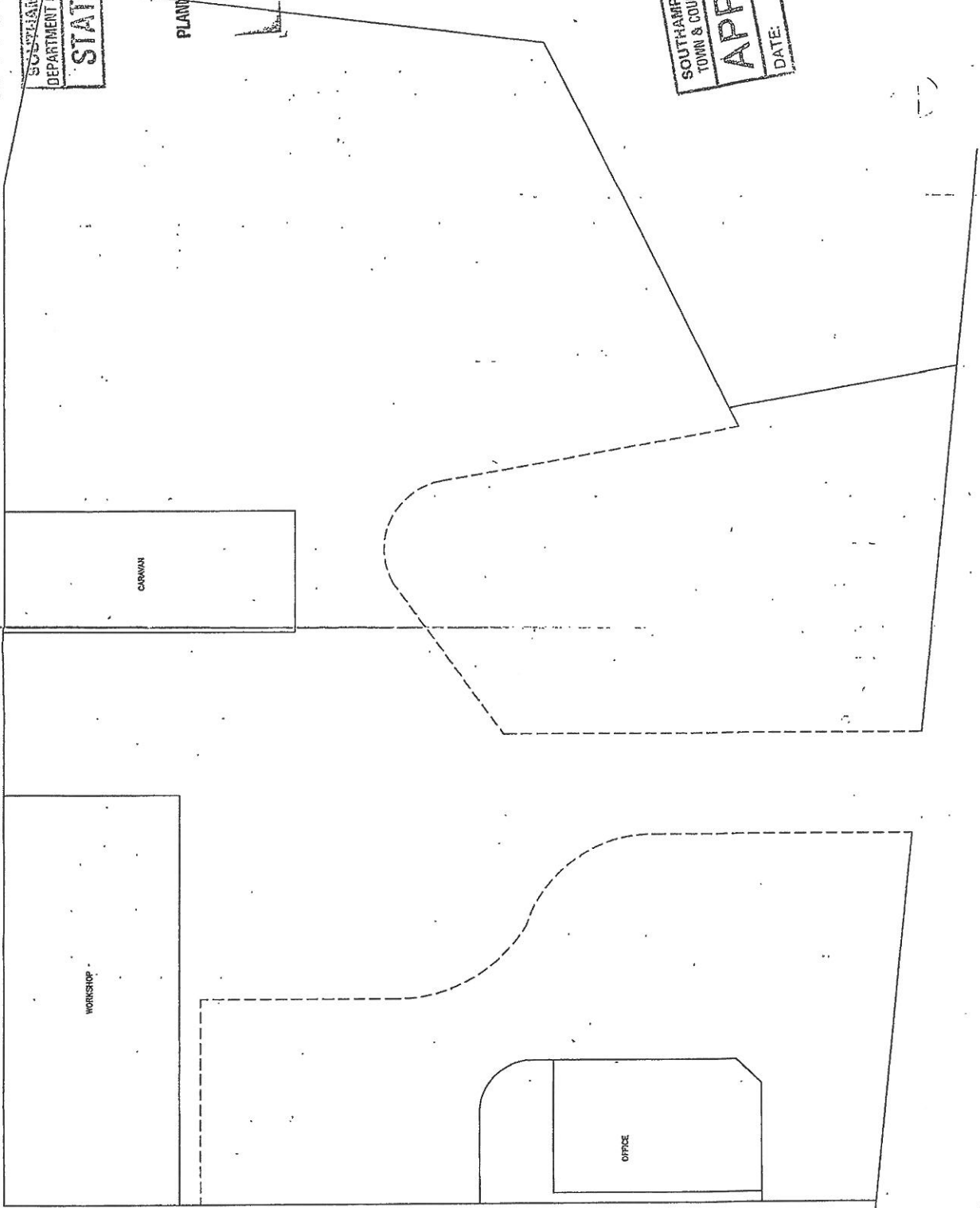
Plans/Drawings



SOUTHAMPTON CITY COUNCIL  
TOWN & COUNTRY PLANNING ACT 1990  
**APPROVED**  
DATE: 14.3.98



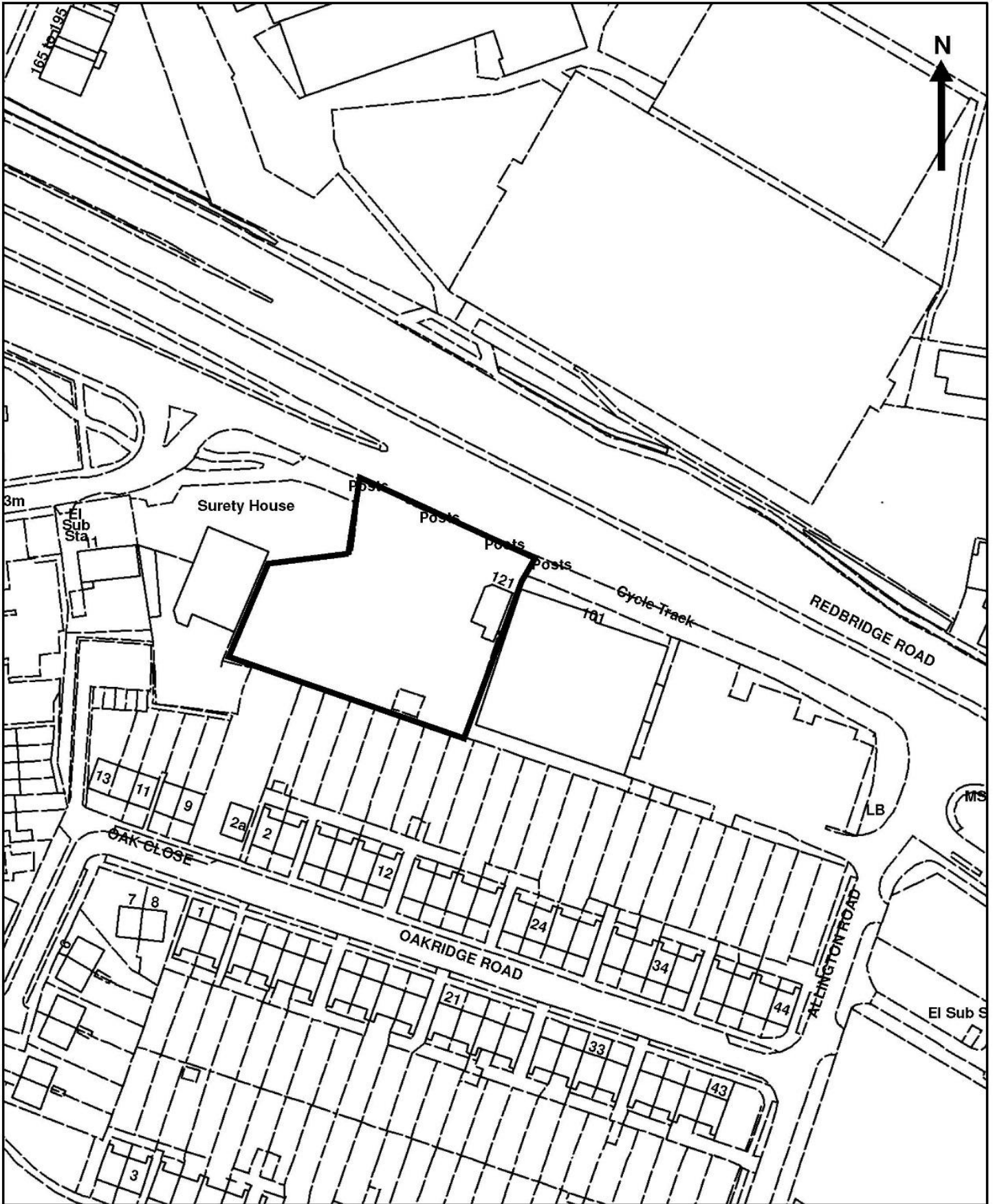
DELTA CHARTERED ARCHITECTS  
102 Buxton Street London NW1 2NA  
Tel: 071 306 6047 Fax: 071 306 2546  
The REDBRIDGE VAN CENTRE EXISTING SITE PLAN  
Scale 1:200 Date MAY 97 Drawn JCB No. 97/350/L1006



REF	REVISION	DATE	REF	REVISION	DATE	REF	REVISION	DATE

- NOTES:
- The general contractor is responsible for all dimensions on site, and the Architect is to be informed of any discrepancy.
  - If this drawing is not approved, drawings marked (A) (REV) or (C) (REV) contain information relevant only to that identified subject, and must not be used for any other purpose.
  - Do not scale from this drawing.





Scale: 1:1,250

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