

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (EAST) 28 October 2014
Planning Application Report of the Planning and Development Manager

Application address: 13 Grosvenor Road, Southampton SO17 1RU			
Proposed development: Conversion Of Existing Building Into 5 Flats (2 X 3-Bed, 2 X 2-Bed And 1 X 1-Bed) With Associated Parking And Cycle/Refuse Storage			
Application number	14/00999/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	5 minutes
Last date for determination:	07.08.2014	Ward	Portswood
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Claisse Cllr Norris Cllr O'Neill

Applicant: Mr H Singh	Agent: Concept Design & Planning
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission, subject to criteria listed in the report.
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Community Infrastructure Levy Liable	Yes
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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 and the conclusions made in the Planning Inspectorate's Appeal Decision (Local Planning Authority reference (12/01449/FUL). Other material considerations including the character of the area comments from interested third parties and highway safety issues have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. Having regard to the Appeal Decision 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, SDP4, SDP5, SDP7, SDP10, SDP11, SDP13, SDP16, H1 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS19, CS20, CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010)

Appendix attached			
1	Panel Report (30.09.2014)	2	Third Party Barrister's Opinion (Addendum)

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. An obligation to preclude future residents being issued with car parking permits.
2. In the event that the legal agreement is not completed within two months of the Planning and Rights of Way Panel decision, that 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.
3. 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 The item was deferred at the last Panel (30.09.2014) prior to the Officer's presentation in order for Members and the applicant to review a late submission of an addendum (Appendix 2) to the previous Counsel opinion received from a third party.
- 1.2 The Applicant has not sought a separate opinion but suggests the previous Planning Inspector's decision is a material consideration which has now been addressed by the current scheme and should therefore be afforded due weight.
- 1.3 This report should be read in conjunction with the attached previous Panel report (**Appendix 1**).

2.0 Planning Consideration

- 2.1 Having renewed the late submission, the key issues as set out in the previous Panel report (Appendix 1) remain relevant and the additional response does not change the Officer's recommendation or the weight that should be afforded the previous Inspectorate decision for the same scheme.
- 2.2 The Counsel's opinion sets out what the weight that Panel Members should give to the Inspector's decision based on their assessment that the evidence provided in the decision was unsound and inadequately reasoned.
- 2.3 This opinion is noted, but notwithstanding this commentary there is little viable evidence to demonstrate that the proposal for a house conversion to 5 flats would result in unacceptable harm in terms of noise/disturbance/intensification. On this basis it would be unreasonable to recommend a reason for refusal based on the further opinion. Officers maintain that the previous Inspector's Decision should be given due weight and the Officers recommendation has not altered.

3.0 Summary

- 3.1 The submission of the addendum to the Counsel Opinion by a third party does not alter the Officer's recommendation that the proposal should be approved subject to the completion of a legal agreement. The opportunity to challenge the Inspector's decision has passed and to afford it little or no weight in the

determination of this resubmission would, in our opinion, expose the Council to a successful award of costs should the Applicant appeal.

4.0 Conclusion

- 4.1 As previously stated the Planning Inspector gave clear conclusions and therefore any recommendation other than approval (subject to appropriate conditions and a S106 legal agreement) would be challengeable.

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d),4(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

ARL for 28/10/14 PROW Panel

PLANNING CONDITIONS to include:

As per attached report.



Scale: 1:1,250

