

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: 47 Highfield Lane, Southampton			
Proposed development: Erection of a single storey rear extension to double garage and alterations to facilitate conversion to ancillary burger/drinks bar.			
Application number	14/01327/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	5 minutes
Last date for determination:	01.10.2014	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 Jimmy Hajiantoni	Agent: Dalton Design
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Recommendation Summary	Conditional Approval
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Community Infrastructure Levy Liable	No
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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 including the character of the area, parking, noise, comments from interested third parties and highway safety issues as reported to the Planning & Rights of Way Panel on 28th October 2014 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 above 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, SDP16 and REI7 of the City of Southampton Local Plan Review (March 2006) and CS13 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010)

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application building lies within the grounds of the existing public house known as the 'Grazing Goat', which is situated on Highfield Lane. It is a large detached public house with enclosed gardens to the rear and parking to the front and side of the property. The application building is currently a double garage that lies within the side parking area of the public house adjacent to properties in Roseland Gardens. The pub currently employs 24 people on a full and part time basis. The public house has unrestricted hours in planning terms but has a license for the following: Sunday to Monday 9.00am to 00.30am, Thursday to Saturday 9.00am to 01.30am and Sunday 0.900am to 00.30pm.
- 1.2 The site lies within a mainly residential area but is located on a corner fronting the busy Highfield Lane. The existing garage fronts onto Roselands Gardens which is a cul-de-sac with semi-detached and detached properties. The site lies within a residents' parking permit zone.

2.0 Proposal

- 2.1 The proposal seeks to provide an ancillary burger bar/takeaway within the existing double garage, which it is proposed to extend and convert in order to provide a useable area of approximately 50sq.m (an increase of approximately 15sq.m. The burger bar/takeaway has rear access into the garden area with the existing public house and for the main part will offer an ancillary function to the existing A4 use. There is also an access to the front of the unit for the takeaway element of the burger bar.
- 2.2 There is a seating area within the proposed burger bar and a small food preparation area. At the rear of the burger bar is a covered area which provides further seating. The burger bar is to be constructed of facing brick work which is to be clad in distressed corrugated iron sheeting. The sheeting is also proposed for the roof. The front elevation of the proposed bar is minimal in design with simple fenestration to reduce the impact on the street scene.

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 (March 2006) and the City of Southampton Core Strategy (January 2010). 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 27th 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 for the public house on site relating to extensions and alterations but they are not relevant to this proposal and therefore have not been cited.

4.2 The most recent and relevant application is set out below;

1238/16 Conditionally Approved 26.02.1963
The erection of an extension to existing hotel premises, including provision of a new bar and entrance doorway, and the erection of a garage for two cars.

13/01619/FUL Conditionally Approved 25.11.2013
External alterations including removal of rear decking/canopy, installation of sliding doors to rear elevation, new hard surfaced terrace to rear, covered smoking area (jumbrella) to side and formation of enclosed cold store.

5.0 Consultation Responses and Notification Representations

5.1.1 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 (22.08.2014). At the time of writing the report **14 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.1.2 Lack of parking for customers in a parking permit area **Response**

The existing public house has a large car parking area (32 spaces including two disabled) which serves the site, and the Council's Highways Development Management Officer has not objected to the proposal on these grounds. Patrons will be restricted from parking on Roselands Gardens during the day for more than 2 hours due to it being a parking permit area. Although Patrons will be able to park on the road in the evening the car parking area on site meets and significantly exceeds the Council's current maximum policy requirements.

5.1.3 Noise from the proposed development (during hours and when exiting the bar) **Response**

Suggested conditions are proposed to restrict the hours of use for the burger bar and to prevent music or amplified sound being played. The public house beer garden already exists and the pub itself is the principle use of the site. The existing beer garden can be used in line with the licensed hours as set out above. The hours of the proposed burger bar/takeaway (till 21.00hrs) are far less than for the existing beer garden are not considered to be anti-social hours. These hours can be secured (and monitored for enforcement purposes) via the suggested planning condition. The Environmental Health Officer has not objected, which is a material consideration on this issue.

5.1.4 Traffic volume from proposed development **Response**

The proposal may result in an increase in patrons using the site, but the use is an established public house with no restriction on hours of use. The level of additional traffic generated to this ancillary use is considered to have only a minimal impact.

5.1.5 **Quality of the area affected**

Response

The proposal would result in a minimal extension to a building already in situ. The current garage is not an attractive feature within the street scene and the resulting use is similar to the current use on site, albeit the takeaway element is new.

5.1.6 **Odour from the premises**

Response

Details of odour control are secured by a suggested condition as is typical for this type of use. The applicant is entitled to secure permission before investing time and money on a bespoke odour system and it is reasonable that these details are provided and secured post decision.

5.1.7 **Proximity to the neighbouring boundary**

Response

The conversion/extension to the building would lie some 10 metres away from the boundary with 10 Roseland Gardens. The current boundary treatment of a hedge for part of the boundary and fence (1.8m) along the boundary would minimize the impact to the neighbouring property. There is no change proposed to the location of the existing public house beer garden or its hours for use as this is not part of the current application.

5.1.8 **Overdevelopment**

Response

The proposed use is tied to the existing public house and the proposed floor area of the burger bar/takeaway (in combination with the existing public house on site) does not result in an overdevelopment when assessed against the car parking and garden area that exists on site.

5.2 **Consultation Response**

5.3 **Highways Development Management - No objection raised**

The site is located within a residents parking zone with visitors allowed to park for 2 hours (1 hour in Heatherdene Road). This does allow for visitors of the public house to park on the designated bays. However, the proposed development is relatively small in scale and is effectively an extension to the public house and simply offers improved facilities. Therefore it will not be considered as a new unit and a new business. The trips undertaken for this use will be classed as a link to the trips already undertaken to the existing use and the existing on-site parking offer. The site also benefits from off-road parking and with parking restrictions beyond the permit bays. Any overspill will be limited due to the time restrictions. The parking layout and arrangements in the neighbouring roads are all existing and any overspill will not be deemed as highway safety concern as such but will be more of an amenity issue. For this reason, a parking survey is recommended to allow a full assessment of the current parking demand in the area.

Response:

A parking survey has been requested for between 8pm and 9pm to correspond with the proposed trading hours. This will demonstrate what capacity (in addition to the 32 spaces currently provided on site) is currently available. A verbal update will be given at the Panel meeting.

5.4 **SCC Environmental Health (Pollution & Safety – No objection raised**

There have been recent noise complaints about the use of the garden for music type events. As this does not relate to this application no objection can be raised to this application due to these complaints, but it does confirm concerns if music is played from the burger bar that it will have an impact. Details of the noise levels from the extractor fan have been submitted, but the only odour control is the use of a grease filter, which will not deal with the cooking odours. A condition is suggested in order for the details to be secured prior to the development commencing. In addition, a condition to ensure that no music or amplified sound is played within the application site (or an acoustic report be submitted of details of a scheme to ensure that any music from the application site is not audible at the site boundary if the applicant wishes to play music).

Response:

A condition is suggested to prevent any music including live music being played within the proposed bar area.

6.0 Planning Consideration Key Issues

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

- Principle of Development
- Highway Issues
- Environmental Health & Amenity Issues –Noise and Odour

6.2 Principle of Development

The existing garage provides parking /storage for the existing public house. The conversion and extension of the double garage at the above property is acceptable in principle. The proposed use is ancillary in nature and consistent with the existing use on site, and the size of the outbuilding, is not dissimilar to the current garage unit that is to be convert/extended. The proposal is simple in design and although it is has an industrial feel it would not detract from the character of the area as there is no uniform character within the vicinity. The proposal does have a takeaway element that is mainly to serve patrons of the public house but it does enable members of the public to get a takeaway. The proposed closing time means that it is unlikely to result in antisocial behaviour. A planning condition is recommended to ensure that the building and the use is not run/leased or sold separate from the public house so as to retain its ancillary nature.

6.3 Highway Safety Issues

With respect to the conversion to a bar/takeaway the Highway Development Officer does not foresee any major highway concerns as it is an extension to the offer currently provided by the existing main public house. Sufficient parking is provided on site as 32 spaces (including 2 disabled) are provided. The Council's maximum parking standards for this use is 1 space per 20 sq.m in this location. As approximately 200 sq.m (sum total of the proposed burger bar area and existing public house floor area) is provided the maximum no. of spaces required is 10. A significant over-provision when assessed against current standards already exists

No details have been submitted relating to where the refuse bins will be stored and collected and therefore a condition is recommended to provide this information. In addition to the above delivery times will be restricted to outside peak times to control the impact on residential amenity.

6.4 Environmental Health & Residential Amenity

The Environmental Health team have no objection to the proposal but have requested conditions detailing external ducting/ventilation/extraction equipment (in terms of appearance and noise) and a condition to prevent any external amplified sound or music from having an adverse impact on neighbouring properties.

The site is large and already houses a public house with beer garden. The public house has unrestricted hours in planning terms but has a license for the following: Sunday to Monday 9.00am to 00.30am, Thursday to Saturday 9.00am to 01.30am and Sunday 0.900am to 00.30pm. The proposal is an extension to this existing use. The site has residential neighbours, as is often the case with public houses outside of the city centre, but the reduced evening hours proposed will lessen any proposed impact. The issue of nuisance is more a management issue. The use is very similar to the existing use on site. A condition preventing the subdivision of the unit from the main premises is suggested in order to control the impact on residential amenity in terms of the trips generated in the local area and late night noise disturbance. The proximity to the nearest property is 10 metres away and although additional seating is provided within the existing beer garden the bar/takeaway will only open till 21.00 thereby reducing its direct impact upon its residential neighbours.

7.0 Summary

- 7.1 The proposal would not have a significantly harmful impact on the character or appearance of the area. The proposal would not result in an unacceptable level of noise or on-street parking issues, for the reasons outlined in this report, and should therefore be supported.

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), 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 for 14/01327/FUL

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 - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

03. APPROVAL CONDITION - Restricted Use [Performance Condition]

Unless agreed otherwise in writing the burger bar/takeaway hereby approved shall only be used in connection with the public house on site at 49 Highfield Lane and shall at no time be leased/sold separately as a separate business unit unless agreed otherwise in writing by the Local Planning Authority.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area

04. APPROVAL CONDITION - Hours of Use - food/drink establishments [Performance Condition]

The food and drink uses hereby permitted within the converted garages shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

Monday to Sunday and recognised public holidays 11.00am to 9pm

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 offered by the applicant in recognition of the potential impact of a late night use

05. 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 equipment 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.

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

The use hereby approved shall not commence until the building has been constructed / 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.

07. APPROVAL CONDITION - No Amplified Noise/live music and management plan [Performance Condition]

No amplified noise/music or live music shall be provided within the external space of 47 Highfield Lane (meaning within the existing beer garden or the converted garages) unless otherwise agreed in writing by the Local Planning Authority and these details shall be included in a management plan to be submitted and agreed prior to the first use of the converted garage. The approved Management plan shall include include means of preventing patrons from gathering in the existing car park. The development shall be operated in accordance with the agreed details.

Reason:

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

08. 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

09. APPROVAL CONDITION - Boundary fence [Pre-Occupation Condition]

Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

Reason:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

10. 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.

11. 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.

12. 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.

13. APPROVAL CONDITION - Delivery times [Pre-Occupation Condition]

No deliveries shall be taken in or dispatched from the premises outside the following times 09.30pm and 16.00pm unless agreed otherwise in writing by the Local Planning Authority.

Reason:

To avoid traffic congestion.

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.

Note to Applicant - Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design
CS19 Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP5 Parking
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
SDP16 Noise
REI7 Food and Drink Uses (Classes A3, A4 and A5)

Supplementary Planning Guidance

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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