

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

Application address: 119A-123 Bitterne Road West			
Proposed development: 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.			
Application number	15/01037/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	26.06.2015	Ward	Bitterne Park
Reason for Panel Referral:	Request by Ward Member and more than five letters of objection have been received	Ward Councillors	Cllr Ivan White Cllr John Inglis Cllr David Fuller
Referred by:	Cllr Ivan White	Reason:	Impact on amenity of local residents

Applicant: Platinum Retail Limited	Agent: Jennings Design Ltd
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Recommendation Summary	Conditionally approve
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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 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).

Appendix attached			
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 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 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.