

Planning and Rights of Way Panel 23rd May 2017
Planning Application Report of the Service Lead - Infrastructure, Planning and Development

Application address:
 Ground Floor Retail, Telephone House, 73 High Street, Southampton

Proposed development:
 Erection of a detached fridge/freezer store with canopy and installation of extractor vent (submitted in conjunction with 16/02032/ADV) (part retrospective)

Application number	16/02031/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	5 minutes
Last date for determination:	30.05.2017 (Extension of Time Agreed)	Ward	Bargate

Reason for Panel Referral:	More than 5 objections	Ward Councillors	Cllr Bogle Cllr Noon Cllr Paffey
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Applicant: Mr Shaju Tarafdar	Agent: George Tutte and Associates
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	N/A
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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 such as noise and odour and its siting in the Old Town South Conservation Area 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, particularly, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and thus planning permission should therefore be granted for the reasons given to the Planning and Rights of Way Panel on 23rd May 2017. Policies - SDP1, SDP7, SDP16 and HE1 of the City of Southampton Local Plan Review (Amended 2015) and CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) as supported by the relevant sections of the National Planning Policy Framework (2012)

Appendix attached			
1	Development Plan Policies	2	Previous scheme 15/00169/FUL

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application relates to a building known as Telephone House on a corner site in the old town. The ground floor unit of this predominantly residential development has been converted into a cafe with an external eating area which is enclosed using a combination of wood fencing (adjacent to Gloucester Square) and glass and metal balustrades fronting the High Street in line with permission 04/01783/FUL. The site is located within the Old Town South Conservation Area.
- 1.1 The approved hours of opening are 08.00am to 23.30pm. Since the approval in 2004, until a couple of years ago, the site was used as the offices for the company selling the flats above.

2.0 Proposal

- 2.1 The proposal seeks permission for a shed to house external fridges and freezers and an external ventilation duct on the rear elevation which is already in situ. The fridges and freezers would be normal domestic ones that would only produce a maximum noise level of 40 decibels (Db) and would be sited on an acoustic mat. The fridges/freezers are to be stored externally due to limited storage in the café itself. With respect to the proposed ventilation system a normal domestic kitchen extract fan system has been installed. The shed itself is wooden with a window and door and would be 1.4 metres wide and 2.6 metres deep with a canopy to house the chairs and tables when not in use. The ventilation duct vents into the seating area and is minimal in design and looks like a small square grille at fascia level. An extraction flue running up the building is not proposed.

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 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 In terms of planning history planning application number 04/01783/FUL was for the partial redevelopment of the site comprising:

Change of use, conversion and alteration (including partial demolition) of the existing 8-storey office building to provide a mixed use development comprising of 128 residential units (41 x 1 bed, 76 x 2 bed and 11 x 3 bed), ground and first floor offices (435sqm), a retail kiosk (41sqm) (Class A1), and a food and drink unit (68sqm) with external dining area (Class A3) or information - interpretation centre with external display area (Class D1), together with the erection of a 6-storey front extension to the High Street and an 7-storey side extension to

Briton Street with the inclusion of car-parking at ground floor level and the formation of an internal upper deck level of car-parking to the east of the building. This was approved on 30th June 2005 and has been fully implemented.

- 4.2 In 2015 works were undertaken to the site to install a raised permanent outdoor seating area, install a shed and a raised boundary treatment without planning permission. A retrospective application was submitted; 15/00169/FUL for the erection of a shed and outside seating area (retrospective) was refused on the 1st April 2015 (plans can be found in **Appendix 2** of this report) and the structures removed.
- 4.3 The reason for refusal read as follows:

The enclosed external seating area and shed, due to the prominence of the site and the design and external materials chosen to undertake the development, result in a development which are out of keeping with the character of the area and would detract from the character and appearance of the Old Town South Conservation Area within which the site is located. Furthermore due to the proposed hours of use and location of the seating area the development would have a detrimental impact on adjoining and adjacent occupier's residential amenities both in terms of noise levels and smoke from further users of the café. As a result the proposal is considered to be poorly considered and thereby contrary to the provisions of CS13 and CS14 of the adopted Southampton City Council Local Development Framework Development Plan Document (January 2010) and saved policies SDP1, SDP7, SDP9, SDP16, REI7 and HE1 (i) of the adopted City of Southampton Local Plan (2006).

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, erecting a site notice (16.12.2016) and by posting an advertisement in the local press (16.12.2016). At the time of writing the report **20** representations have been received from surrounding residents. The following is a summary of the points raised:

- 5.1.1 Concerned about the impact of noise and fumes for the residential properties above

Response: The development of the site was approved in 2005 and the unit was always intended to be a café use. The City Council's Environmental Health Team were consulted on that, and this, scheme and have confirmed that the proposed use and associated extraction vent and fridge/freezer store would not give rise to excessive noise or statutory odour nuisance detrimental to the residential amenities of adjoining residential occupiers. With regard to the established and lawful use this is not relevant to the determination of this application, however, officers can advise hours of use are already restricted. A planning condition was imposed on the original permission to secure this. Provided that the use is operated in accordance with this condition the proposed use is not considered likely to result in the loss of amenity for adjoining residential occupiers.

- 5.1.2 Concerned about impact on conservation area

Response: No objection has been raised by the Council's Conservation Officer and the application has been assessed in line with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The proposed development is visible from public view but does not look out of place in this commercial context. The mature tree in the seating area also mitigates the direct impacts of the development.

5.1.3 Late night use

Response: The hours of use for the café and seating area were approved in 2005 and do not form part of this assessment for this application.

5.1.4 Concerned about highway safety

Response: No objection has been raised by the Council's Highway Officer. The proposal only relates to a store and extract vent and therefore highway safety is not particularly relevant to the assessment of this proposal.

5.1.5 Concerned about rodents

Response: No objection has been raised by the Council's Environmental Health Officer and this issue should be dealt with using other statutory powers.

5.1.6 Concerned about smoke from the seating area

Response: It is noted that residential properties lie above the seating area and officers understand the concern raised. However, this proposal does not relate to the use of the seating area for customers as this issue would have been assessed at the application stage for the redevelopment of the site. Residents of Telephone House should have been aware when they moved in that the ground floor had permission for a café with external area as both uses were approved under the same permission.

5.1.7 Impact on the tree

Response: The siting of the shed is a distance away from the tree and would be positioned on the existing surface and would therefore not affect the trees root protection zone.

5.1.8 Similar to application refused

Response: The refused scheme related to a much larger store and a raised seating area which resulted in poor boundary treatment and a detrimental impact on the conservation area. These structures have been removed bar part of the fencing adjacent to the entrance car park in Grosvenor Square.

5.1.9 The fence remains in situ and should have been removed.

Response: It is noted that part of the fence has not been removed but this separates the unit from the car parking spaces and did not concern officers during the previous application stage.

5.1.10 The use is not as a café but as a shisha bar

Response: The café has now opened and is not a shisha bar. This has been confirmed by the agent and following a site visit by officers. The use of the café does not form part of the proposal to be assessed.

6.2 Consultation Responses

6.2.1 SCC Environmental Health (Pollution & Safety): No objection

Following a perusal of the associated documents Environmental Health officers can confirm that our Service no objection to this application as the potential noise/odour issues have been satisfactorily addressed.

6.2.2 SCC Historic Environment: No objection

The proposed freezer store is located adjacent to Scheduled Monument number 298, however it will be largely screened from the street view in Gloucester Square by the existing wooden fence. It is set some distance back from the High Street frontage, and, subject to the design of and materials used for the roof, it is not considered to be harmful to the character and appearance of the conservation area.

6.2.3 SCC Highways: No objection

No highway objections

6.2.4 City of Southampton Society: Concerns Raised

The proposals are inadequately drafted for an opinion, however we sympathise with the neighbours who object to potential noise and smell from the extractor vent.

7.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. The impact in terms of residential amenity; and
- iii. The acceptability of the proposal in terms of visual amenity and the conservation area.

7.2 Principle of Development

7.2.1 The principle of have external extraction and ventilation equipment was accepted at the application stage when a café use was approved for this unit. The external appearance of the system is minimal in nature as only a grille is visible. In terms of the external store, it would be sited in an area stepped back from the main street scene. Although it is not ideal that an external store is required, the use of the store is in line with the use of the café as it would be used to store associated food and drink. The principle of development for both the ventilation grille and external store is acceptable subject to the impact in terms of noise, odour, and visual amenity.

7.3 Residential Amenity

7.3.1 The closest residential properties to the application site are located directly

above. The ventilation system comprises an extraction system routed internally with the only external element being a grille at ground floor to the rear. Officers are satisfied that the extraction flue is sited appropriately, ensuring it does not cause statutory odour or noise nuisance if the development is carried out in accordance with the submitted details. With this type of system carbon grilles are used to capture the odours and providing the filters are maintained is an acceptable solution for this city centre location. The alternative would be an external flue running the full height of the building, which would have a detrimental impact upon the character of the conservation area.

7.3.2 The ventilation scheme put forward is acceptable to both Planning and Environmental Health (EH) departments. EH officers are satisfied that this will not result in statutory odour or noise nuisance due to the details specified. The system will be monitored by the EH team. On the noise side all plant is installed internally so there should not be an issue with noise nuisance.

7.3.3 With respect to the external store the fridge/freezer will be domestic units and therefore the noise will be minimal. On this basis no objection is raised by EH officers. The siting of the external store is set as far away as possible from neighbouring occupiers and the housing of the fridge/freezer, within a wooden structure, located on an acoustic mat reduces the impact further. Provided that the ventilation and the siting of fridge and freezers is installed and operated in accordance with the planning conditions which have been recommended, no loss of amenity is considered likely.

7.4 Impact on the conservation area and visual amenity

7.4.1 The installed extract grille is a minor change to the building and would not be a significant addition within the wider street scene.

7.4.2 The external store would be visible but is partially hidden by the existing boundary treatment. The siting in the corner adjacent to the car park entrance means that the impact on the main street scene at High Street is reduced. No objection has been raised by the Conservation Officer on grounds that the proposal would harm the Old Town South conservation area. The current proposal would be sited appropriately to the rear and would have a limited impact on the visual appearance of the wider streetscene and the conservation area. In line with section 72 of the of the Planning (Listed Building and Conservation Areas) Act 1990 regard has been paid to ensuring that the development, at least, preserves or enhances the character or appearance of the conservation area. As such, the proposal is considered to be acceptable in terms of visual amenity and compliant with the Development Plan policies listed at **Appendix 1**.

8.0 Summary

8.1 The proposed scheme is policy compliant with issues relating to the principle of development, design, impact on the conservation area and residential amenity being adequately addressed for the reasons given in this report.

9.0 Conclusion

9.1 The recommendation is 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), 4(f), 6(a)/(b).

ARL for 23/05/17 PROW Panel

PLANNING CONDITIONS

1. Details of building materials to be used (Pre-Commencement Condition)

Details of the external materials to be used in this development shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the external stores hereby approved. Development shall be implemented only in accordance with the agreed details.

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.

2. Extraction Equipment

The extraction equipment hereby approved (details set out in letter GHT/CLT/8967 dated 16th February 2017 and email dated 14th March 2017) shall be maintained in accordance with the details submitted. These measures shall be retained thereafter for the lifetime of the development.

Reason:

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

3. Refrigeration equipment

The fridge and freezers to be installed within the external store shall comply with the details set out in letter GHT/CLT/8967 dated 16th February 2017 and email dated 14th March 2017 unless agreed otherwise in writing by the Local Planning Authority.

Reason:

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

4. 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.