

Southampton City Council
Planning & Sustainability
Civic Centre
Southampton
SO14 7LS

For the attention of Jenna Turner, Senior Planning Officer

Our ref: NH/PR/698
Date: 30th November 2010

Dear Ms Turner

UNAUTHORISED LIVE/WORK USE - 141 BURGESS ROAD

Further to our meeting of even date regarding the above, we are writing to confirm the following proposal:

We are prepared to make a planning application for a live/work unit in No. 141 with the application site red-lined as shown on the attached plan 698-P6-03.

The consented 3 bedroom dwelling, 07/01817/FUL, ensures that the application complies with CS16, para 2.

"No nett loss of family houses on sites capable of accommodating a mix of residential units."

If the Council considers that the current unauthorised use results in the loss of a "family house" it can apply Conditions to rectify that loss within a specified time-frame. We would suggest the following:

1. Personal consent ref. list at C2 of 08/00971/FUL.
2. Time-limited consent 2 years, extended to 5 years if consent 07/01817/FUL is completed.
3. Parking space at rear of 141 to be completed prior to implementation of 08/00971 (CO8 requirement for 4.9m bays not necessary).

If Officers are prepared to recommend the above to Committee we will undertake to make a submission for approval of Prior to Commencement Conditions, C2 materials and C3 boundary treatment of 07/01817/FUL within 1 month of the grant of consent.

Having regard for the history of previous recommendations to Committee we request that Officers consult Committee on this proposal, including proposed Conditions, before we submit an application.

If Committee agree with the proposal, including the proposed Conditions, we would undertake to submit a planning application within a month of the Committee decision.

If the Council chooses to pursue enforcement action, rather than pursue this compromised offer, it will have to explain its assessment that it has not been expedient to enforce over the last four years, together with the Officer recommendations for Application 06/00325/FUL in 2006, 08/00971/FUL and subsequent correspondence together with the implications of 08/2010 on CS16.

A Planning Inspector may well conclude that:

1. The action is taken "*solely to remedy the absence of a valid planning permission.*"
2. There is no loss of a "*family home*" due to its previous and likely fall-back C4 occupancy.
3. The Council's CS16(2) Policy is undermined by 08/2010.
4. There is no minimum occupancy requirement for the residential floor space and the 08/00971 consent has been implemented.
5. The personal and time-limited consents are not necessary.
6. It is not necessary to specify a time limit for completing the 07/01817 dwelling having regard for the above and para 61 of 11/95.

Thus the option of enforcement action is not risk-free for the Council, and given the time-frame for an appeal, enforcement action is unlikely to be significantly quicker in resolving the matter. Having regard for these considerations we trust that our proposal is the basis for a mutually acceptable resolution.

We believe that a more objective Report to Committee which sets out:

- the implications of 08/2010 for CS16(2)
- the implications of the previous C4 use and fall-back C4 use
- the absence of any authority for minimum occupancy of the residential floor space
- SPG para 8.3.3 advice
and
- the absence of any sustainable harm to adjacent residential amenity

is required to redress the harm caused by the 23 November 2010 Report to Committee.

If you require further information or clarification please do not hesitate to contact me.

Yours sincerely

Neil Holmes
Quayside Architects