

Planning and Rights of Way Panel

Tuesday, 22nd August,
2023
at 4.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Savage (Chair)
Councillor Windle (Vice-Chair)
Councillor J Baillie
Councillor Beaurain
Councillor Mrs Blatchford
Councillor Cox
Councillor A Frampton

Contacts

Democratic Support Officer
Ed Grimshaw
Tel: 023 8083 2390
Email: ed.grimshaw@southampton.gov.uk

Head of Transport and Planning
Pete Boustred
Email: pete.boustred@southampton.gov.uk

PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

PUBLIC REPRESENTATIONS

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Southampton: Corporate Plan 2022-2030

sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time.

SMOKING POLICY – The Council operates a no-smoking policy in all civic buildings

MOBILE TELEPHONES:- Please switch your mobile telephones or other IT to silent whilst in the meeting.

USE OF SOCIAL MEDIA:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

FIRE PROCEDURE – In the event of a fire or other emergency a continuous alarm will sound, and you will be advised by Council officers what action to take.

ACCESS – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2022/2023

2023	
6 June	19 September
27 June	10 October
11 July	31 October
1 August	21 November
22 August	12 December

2024	
23 January	16 April
20 February	
12 March	

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of

- Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council, and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

OTHER INTERESTS

A Member must regard himself or herself as having an 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

PRINCIPLES OF DECISION MAKING

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability, and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 10)

To approve and sign as a correct record the Minutes of the meetings held on 27 June 2023 and 11 July 2023 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 23/00617/FUL - 112 UPPER SHAFTESBURY AVENUE (Pages 15 - 24)

Report of the Head of Transport and planning recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

6 PLANNING APPLICATION - 23/00619/FUL - 112 UPPER SHAFTESBURY AVENUE (Pages 25 - 34)

Report of the Head of Transport and planning recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

Monday, 14 August 2023

Director – Legal, Governance and HR

This page is intentionally left blank

Agenda Item 4

To approve and sign as a correct record the Minutes of the meetings held on 27 June 2023 and 11 July 2023 and to deal with any matters arising.

This page is intentionally left blank

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 27 JUNE 2023

Present: Councillors Savage (Chair), Beaurain, Cox, A Frampton and Windle

Apologies: Councillor Mrs Blatchford and J Baillie

9. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that apologies had been received from Councillors Mrs Blatchford, Powell-Vaughan and J Bailey.

10. **ELECTION OF VICE-CHAIR**

RESOLVED that: Councillor Windle be elected as Vice-Chair for the Municipal Year 2023/24.

11. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Panel meeting on 6 June 2023 be approved and signed as a correct record.

12. **TREE WORK APPLICATION 23/00037/TPO**

The Panel considered the report of the Head of City Services, in respect of the content of a tree work application by Southampton International Airport to carry out work to protected trees at Marlhill Copse. In addition, the Panel were invited to note and approve a written statement as per the recommendation within the report, for the potential of ongoing minor work approvals.

The presenting officer advised that one of the objectors had withdrawn. Steve Thurston and Mike Weeks, Southampton Airport (applicant) were present and with the consent of the Chair, addressed the meeting.

The Panel considered the officer recommendations regarding TPO works. Upon being put to the vote the recommendation was carried unanimously.

Members then considered the appended written statement, for the potential of ongoing minor work approvals. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED

- (i) To grant consent for the works set out in recommendation (i) and to refuse consent for the works set out in recommendation (ii) of the report.
- (ii) To note and approve the recommended statement for the potential of ongoing minor work approvals.

13. **PLANNING APPLICATION - 23/00267/FUL - LAND AND AREA TO THE SOUTH OF WEST QUAY WATERMARK, SOUTH HARBOUR PARADE, SOUTHAMPTON**

The Panel considered the report of the Head of Transport and Planning recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Use of grassed area to the South of West Quay Watermark for public events or activities for a maximum of 225 days per calendar year.

Stephanie Burns and Ros Cassy (local residents/objecting), and Councillor Noon (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

During discussion of the application concerns were raised about potential contaminated land of the application site, which would require further consultation. The Planning Officer recommended an amendment to the report recommendation, to delegate to officers for re-consultation with Contaminated Land Officers. Subject to no objections being raised, this would be a delegated decision.

The Planning officer advised that an additional condition was to be added, regarding the number of days the land would be used for public events, as set out below.

Reason: In the interests of proper planning and neighbour amenity.

The Panel then considered the updated recommendation to delegate to Officers following re-consultation with Contaminated Land Officers. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to delegate to officers for re-consultation.

FOR: Councillors Beaurain, Cox, Savage, Windle
ABSTAINED: Councillor Frampton

RESOLVED to delegate to the Head of Transport and Planning to grant planning permission subject to the conditions set out within the report and any additional or amended conditions set out below.

Additional Condition

5) The land shall only be used for public events or activities for a maximum of 225 days per calendar year.

14. **PLANNING APPLICATION - 23/00505/FUL - 25 NORTHOLT GARDENS**

The Panel considered the report of the Head of Transport and Planning recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Change of use from a dwelling house (C3 use) to a 4 bedroom house of multiple occupation (HMO, C4 use) (retrospective).

Lorraine Barter, (local resident objecting) was present and with the consent of the Chair, addressed the meeting.

Miss L Beard and Miss F Morris submitted a statement, which was shared with Panel and Planning team in advance of the meeting.

The presenting officer reported amendments to two conditions regarding cycle parking and refuse and recycling.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant conditional planning permission

FOR: Councillors Beaurain, Cox, Savage and Windle.
AGAINST: Councillor A Frampton

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below.

AMENDED CONDITIONS

Condition 3 - Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation/use, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved for the lifetime of the development.

Reason: To encourage cycling as an alternative form of transport.

Condition 4 - Refuse & Recycling (Performance)

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved.

Reason: In the interest of visual and residential amenity.

Note: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

15. **PLANNING APPLICATION - 23/00357/MMA - ELMFIELD HOUSE, MILLBROOK ROAD EAST**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that the application be refused.

Minor material amendment to planning permission reference 20/01413/FUL for approved scheme of 16 flats (1 bed) to change the roof design of fourth storey extension to the north and west residential blocks (amended description).

Dan Rycroft, Atlas Planning Group (agent), and Councillor Shields (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that a letter had been received post-report from a purchaser supporting the increase in the terrace area space of the proposed design.

The Panel then considered recommendation that the application be refused. Upon being put to the vote the recommendation was carried.

RECORDED VOTE

FOR: Councillors Beaurain, Cox and Windle.

AGAINST: Councillors A Frampton and Savage.

RESOLVED that planning permission be refused for the reasons set out in the report.

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 11 JULY 2023

Present: Councillors Savage (Chair), Mrs Blatchford, Cox (excepted minute numbers 16 and 17), A Frampton and Windle

Apologies: Councillor Beaurain and Powell-Vaughan

16. **PLANNING APPLICATION - 23/00418/FUL - AZZERA HOUSE, CENTENARY QUAY**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that the application be conditionally approved subject to criteria listed in the report].

Application for additional external seating not in accordance with details agreed under condition 31(External Seating & Umbrellas restriction) of planning permission ref: 08/00389/OUT to allow additional external tables (from 10 to 20) and seating (from 40 to 60), seasonal dependant.

Sarah Ryles (representing local residents objecting), Mike Lawrence (applicant) and Councillors W Payne and Ugewome (ward councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that asset of amended conditions had been circulated and posted online prior to the meeting. In addition 24 further objections were passed to the planning officer at the meeting from Councillor Ugewome. It was noted that the letters were duplicated and reflected the concerns of the residents raised at the meeting.

During discussion on the item, Members raised concerns over the materials used for the additional seating noting that the residents had specifically complained about the moving of the metal chairs used currently for the Bistro tables. Members also were concerned that there appeared to be a break down in relationships with the restaurant and residents and suggested that consent should be granted for a temporary period in order to assess whether any new formalised arrangements mitigated the concerns of the public. Concern was also raised about the use of the terrace for outdoor cooking directly under the flats of residents

During discussions on the item, a number motions to amend the recommendation by adjusting the proposed conditions were considered and voted on by the Panel. Officers agreed to amend their recommendation by the inclusion of additional conditions and amendment of others as set out in full below.

Upon being put to the vote the recommendation as amended was carried.

RECORDED VOTE

FOR: Councillors Savage, Windle and A Frampton
ABSTAINED: Councillor Blatchford

Note: Councillor Cox had to leave the meeting prior to the vote.

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below.

Agreed Conditions

1) Temporary Planning Permission until 30 September 2024

The development hereby permitted shall be discontinued and returned to the arrangement of not more than 10 tables/40 chairs (as approved under 20/01080/DIS) on or before the period ending on 30 September 2024.

REASON: To enable the Local Planning Authority to review a trial run to assess the effect of the development on the area.

Note to Applicant:

A fresh planning application would be required ahead of 30 September 2024 should the additional tables/chairs be required after this date.

2) Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved amended plans listed in the schedule attached below.

Not more than 20 tables and 60 chairs shall be provided on the external terrace at any one time.

Notwithstanding the approved amended plan no tables and chairs, heaters or any other equipment associated with the use shall be located within 2m from the inside kerb edge of the existing landscaping to be retained around the external terrace for public use.

No food and drink sold/purchased from this premises shall be consumed within the public route or outside the demise of the terrace associated with this premises as shown on drawing No. ASP.20.059.002.

No table or chairs shall be located between the entrance to the existing bar/restaurant and the neighbouring residential entrance.

REASON: For the avoidance of doubt and in the interests of proper planning. To ensure retention of existing landscaping and a 2m wide public waterfront access route to remain unobstructed and kept clear at all times and in the interests of neighbouring residential amenities.

3) External Noise Restrictions

No live or amplified equipment/music shall be used outside of the building.

REASON: In the interests of the amenities of neighbouring occupiers.

4) Public Access to the Waterfront

Prior to the first use of the extended terrace use/additional seating hereby approved further details of a barrier/screen between the tables and the walkway, and also details of additional signage confirming public access to the water's edge shall have been agreed in writing with the Local Planning Authority. The barrier/screen/signage shall be installed as agreed prior to the first use of the additional seating. These features shall be retained as agreed for the lifetime of the development.

REASON: To ensure public waterfront access is retained and to prevent encroachment

5) Hours of use (Outside)

Notwithstanding the permitted hours of use for the premises under condition 09 of 15/01985/REM, no food and drink shall be consumed outside of the building beyond the following hours in accordance with the applicant's supporting Statement:

Monday to Saturday	11.00 to 23.00 (11.00am to 11.00pm)
Sundays and public holidays	12.00 to 23.00 (12.00pm to 11.00pm)

REASON: In the interests of the amenities of neighbouring residents.

6) External Heaters

No additional external heaters beyond the 2 no. existing shall be installed on the external terrace hereby approved.

REASON: To reduce the likelihood of the outdoor area being occupied late into the evening or outside the summer season in the interests of neighbouring residential amenities.

7) No hot food to be cooked outside

No preparation or cooking of hot food to be sold from the premises shall take place outside.

REASON: In the interests of the amenities of neighbouring residential occupiers.

Notes to Applicant:

Failure to install and arrange the tables and chairs in accordance with the requirements of conditions 2 and 4, and the plan hereby approved, within 3 months from the date of this decision will likely result in planning enforcement action being taken for the existing unauthorised arrangement, which is a breach of planning control and prevents unfettered public access to the waterfront.

On a separate matter it is recommended that you explore alternatives to the metal bistro tables and chairs proposed, or (at least) some form of mitigation to avoid future noise disturbance to your nearest neighbours.

17. **PLANNING APPLICATION - 23/00674/FUL - 24 WILTON AVENUE**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that authority be delegated to the Head of Transport and Planning to grant planning permission subject to criteria listed in the report.

Change of use from a house in multiple occupation (HMO) (class C4) to a large HMO for 7 persons (sui generis) and installation of enlarged rear dormer (resubmission 21/00871/FUL)

Mrs Barter (local resident objecting) was present and with the consent of the Chair, addressed the meeting. In addition the Panel noted that statement had been received, circulated and read by the Panel and posted online from Mr S Morris and Mr C Miell.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the remaining recommendations. Upon being put to the vote the recommendations were carried unanimously.

RESOLVED

1. The Panel confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
2. That authority be delegated to the Head of Transport and Planning to grant planning permission subject to the conditions in the report and the completion of a S.106 or S.111 Legal agreement to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of Transport and Planning be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within a reasonable timescale.

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 22nd August 2023

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	CM	CAP	5	23/00617/FUL 112 Upper Shaftesbury Avenue
5	CM	CAP	5	23/00619/FUL 112 Upper Shaftesbury Avenue

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Case Officers:
CM – Craig Morrison

Southampton City Council - Planning and Rights of Way Panel

Report of Head of Transport & Planning

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning Applications:

Background Papers

1. **Documents specifically related to the application**
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. **Statutory Plans**
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Connected Southampton 2040 Transport Strategy (LTP4) adopted 2019.
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. **Statutory Plans in Preparation**

4. **Policies and Briefs published and adopted by Southampton City Council**
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)

- (n) Itchen Valley Strategy (1993)
- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (2013)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (revised 2016)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Cycling Strategy – Cycling Southampton 2017-2027
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2
- (j) Bus Service Improvement Plan (BSIP) 2021.

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (February 2019)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Planning and Rights of Way Panel 22nd August 2023
Planning Application Report of the Transport & Planning

Application address: 112 Upper Shaftesbury Avenue, Southampton			
Proposed development: Erection of a first floor rear extension, hip to gable extension and rear dormer			
Application number:	23/00617/FUL	Application type:	FUL
Case officer:	Craig Morrison	Public speaking time:	5 minutes
Last date for determination:	04.08.2023	Ward:	Swaythling
Reason for Panel Referral:	Five or more letters of objection have been received & Ward Cllr Fielker Referral	Ward Councillors:	Cllr Mrs Lorna Fielker Cllr Matthew Bunday Cllr Sharon Mintoff
Applicant: Mr Malcolm Daryl Hay		Agent: Applecore PDM Ltd	

Recommendation Summary	Conditionally Approve
-------------------------------	------------------------------

Community Infrastructure Levy Liable	No
---	-----------

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 39-42 and 46 of the National Planning Policy Framework (2021). Policies – CS13 and CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally Approve

1. The site and its context

- 1.1 The application site is a 1930s style 2 storey HMO with a 2 floor bay window to the front elevation and an existing single storey rear extension. The ground floor of the property is constructed of red brick and the upper floor faced in pebbledash. Externally there is an area of hardstanding to the front capable of accommodating 1 car adjacent

to an area laid to grass. Fences approximately 1 metre in height separate the front garden from the neighbouring properties. To the rear is a modest rear garden which backs on to the Portswood Recreation Ground; there are mature trees at the end of the garden and an approximately 1.8 metre fence surrounds the rear garden.

- 1.2 The property the subject of this application has an accompanying planning application to extend the HMOs flexibility so that the building can also be let to families. At present the property has 4 bedrooms in total; 1 at ground floor level where there is also a kitchen, dining and lounge area and 3 bedrooms at first floor level.

2. Proposal

- 2.1 This applicant has made the application on the basis that the property is currently in lawful use as a C4 House in Multiple Occupation which allows up to 6 unrelated people to reside in the property. The proposed works do not result in a change of use from the established C4 (up to 6 person) HMO.
- 2.2 The proposal seeks extensions to convert the hipped roof to a gabled roof and provide a box dormer to the rear. It is also proposed to construct a first floor extension to the rear of the property, and undertake internal subdivision to create 6 en-suite bedrooms – with 2 on the ground floor, 3 on the 1st floor and 1 in the converted roofspace.

3. 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) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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. Relevant Planning History

- 4.1 There is a concurrently running planning application for consideration at this meeting as below

23/00619/FUL

Change of use from a house in multiple occupation (HMO, class C4) to either a dwelling house (class C3) or a house in multiple occupation (HMO, class C4)

Recommendation: Conditionally Approve

5. 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,. At the time of writing the report **11 representations** have been received

specifically in relation to this application from surrounding residents. The following is a summary of the points raised:

5.2 ***Increase in number of HMOs in the area***

Response

Sufficient evidence has been submitted with the concurrent application for the use of the property as a flexible C3/C4 use that the property is an existing lawful HMO. Extending such a building would not increase the number of HMOs in the area or conflict in principle with Policy H4 of the Local Plan. The established use allows for between 3 and 6 unrelated people to share and these changes provide improved accommodation to support the established use.

5.3 ***Potential for more than 6 occupiers***

Response

The loft room is acknowledged to be large for a single bedroom and there is potential for it to be separated into two rooms or used for double occupancy. Were this to occur this would be a breach of planning control – as a change of use would have occurred - and a matter for the planning enforcement service to address. The application must be determined on the plans and use that has been submitted which is for Use Class C4 allowing up to 6 people.

5.4 ***Increase in noise and demand for Car Parking***

Response

As the property is already in use as a C4 in planning terms the property could already be occupied by up to 6 people – albeit within 4 bedrooms. As the extension proposed does not directly facilitate an increase in the number of people occupying the property it is not considered that there would be an increase in parking stress or disturbance attributable to the development. In any case the proposal is close to the University of Southampton and local facilities and, therefore, alternatives to car ownership are realistic in this location.

5.5 ***Overdevelopment of the property***

Response

The extensions to the property are modest in size and are not considered to harm the visual character of the area as explored further in this recommendation.

5.6 ***No Locations for Bin or Cycle Storage***

Response

There is easy access to the rear garden where bins and cycles can be stored away from view of the public realm. A condition is recommended to secure details of these areas to ensure that cycle storage is of a size and design that is secured.

5.7 ***There are no fire safety measures proposed***

Response

Whilst important this is a matter to be addressed at HMO Licensing and Building Regulations stage rather than as a Planning matter. This application seeks approval for roof works and an extension only.

5.8 ***Insufficient Communal Space for increased number of residents.***

The proposal provides 21sq.m of internal communal space which meets the minimum standards required for communal space in a property for 6 people as set out within the "Guidance on standards for houses in multiple occupation" which requires a minimum

of 13sq.m of communal space.

5.9 ***Addition of further floors may cause problems with foundations***

Response

This is not a material planning consideration.

5.10 ***Impacts on Party Wall***

Response

This is a civil matter to be resolved between the applicant and the neighbour. While the concerns of neighbours in this regard are appreciated they are not a material Planning consideration.

6.0 **Planning Consideration Key Issues**

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

- The principle of development;
- Design and effect on character
- Residential amenity;
- Parking highways and transport

6.2 **Principle of Development**

6.2.1 The principle of extending an existing C4 HMO is accepted and the detail should be assessed against the Residential Design Guide. The applicant has demonstrated that the property is currently in use as a lawful C4 HMO with 4 bedrooms. The proposal now seeks 6 bedrooms – still within the C4 use class.

6.2.2 Paragraph 4.8.2 of the adopted HMO SPD clarifies that the increase in the number of bedrooms up to occupation for 6 people does not materially change the use within C4 and, therefore, only the physical external changes should be assessed as part of this application

6.3 **Design and effect on character**

6.3.1 From the front of the property the most obvious addition is the extension of the hipped roof to form a gable. Together with the proposed rear dormer the volume, dimensions and locations on the roof would ordinarily be considered to be Permitted Development (PD) under Class B of Part 1 of the General Permitted Development Order. These works require planning permission solely due to the fact that there is a partial connection at the roof level of the first floor extension proposed. The use of these PD rights are considered adequate to create a property capable of occupying 6 persons and this fallback position is material in the application's determination.

6.3.2 At the time of the case officer's site visit there were not other examples of such roof extensions, and there would therefore be some impact on the balance of the pair of semi-detached pair (together with 114 Upper Shaftesbury Avenue) and to a lesser extent the wider character of the area. It is important to have regard to the 'fallback position' of the PD rights such that it is likely that if this application were refused the applicant would do the works lawfully to extend the roof anyway. It is therefore considered that the fallback position is realistic and weighs in favour of granting permission notwithstanding the impacts identified.

6.3.3 The first floor rear extension is modest in depth and width and has a roof design that is in keeping with the scale and form of the host dwelling. While some comments have

suggested that the first floor extension should be constructed in pebbledash it is considered that the use of red brick, which is used on the ground floor, would be acceptable. Due to the nature of pebbledash it can be difficult to recreate the exact colour texture and cement colour and ratio such that often it does not blend well with the existing. The use of brick may therefore be more successful than pebbledash.. While some glimpsed views of the extension would be visible from Upper Shaftesbury Avenue and from Portswood Recreation Ground to the rear it is considered that the extension would not harm the design of the host dwelling or the contribution it makes to the character of the area.

6.3.4 As set out above the proposal does not inherently increase the number of those that could occupy the property in planning terms, and it is considered that the impact on the character of the area in relation to comings and goings from the property would not be significant.

6.4 Residential amenity

6.4.1 Saved Policy SDP1(i) of the Local Plan Review seeks to protect the amenities of all residents including those surrounding the site. The proposed first floor extension and roof extension would cast additional shadow to the north and east, the latter of which would be cast over the rear garden of the application site. Section 2 of the Residential Design Guide sets out guidance on considering the impact of daylight and sunlight which consists of applying a 45 degree test from neighbouring windows. The windows at 114 Upper Shaftesbury Avenue pass this test at both ground and first floor level. The impact on daylight and sunlight to the neighbouring property is therefore considered to be acceptable. 110 Upper Shaftesbury Avenue lies to the south of the site and there is a separation distance of approximately 4.3 metres meaning that there would not be a significant loss of daylight and no loss of direct sunlight to 100 Upper Shaftesbury Avenue.

6.4.2 The additional windows at first floor level would look directly over the rear garden. While views at an oblique angle would be possible over neighbouring gardens this is considered to be neither unusual nor unacceptable within a suburban area such as the application site.

6.4.3 As the proposal does not change the use class or the number of occupants that can occupy the property the impact on amenity of neighbouring occupiers, in terms of comings and goings, is not considered to be significant.

6.4.4 As the proposal would involve the occupation of the loft space, which may not have sufficient noise insulation to prevent unacceptable noise transfer to the attached neighbouring property it is considered to be necessary, reasonable and in line with other decisions, to require noise insulation to the party wall to be installed by condition.

6.5 Parking highways and transport

6.5.1 As set out above, within existing permitted development and the existing use class of the property 6 persons could occupy the property with or without the development proposed. It is considered therefore that the proposal does not inherently result in an increase in the number of cars likely to be parked at the property or in the surrounding roads.

7. Summary

- 7.1 Although 2 additional bedrooms are formed by this application there is no change of use from the established C4 HMO use (with up to 6 people residing). The extension of the roof of the property could be constructed under existing permitted development rights and, therefore, represents a realistic fallback position allowing the property to be occupied by 6 persons.
- 7.2 The impact on the character from the rear extension is considered and the impacts on amenity and parking are not considered to be exacerbated by the extensions in their own right as the property can already be occupied by 6 persons. Impacts on the neighbouring property wall from noise transfer as well as managing cycle and bin storage can be controlled by condition.
- 7.3 The proposal therefore complies with the relevant saved policies of the City of Southampton Local Plan Review and Core Strategy.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Craig Morrison for 22.08.23 PROW Panel

PLANNING CONDITIONS

1. Materials to match (Performance)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

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.

2. Cycle Storage and Bin Storage (Occupancy Condition)

Prior to first occupation of the extended property bin and cycle storage shall have been implemented in accordance with details that have first been submitted to and approved in writing to the local planning authority. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained for the lifetime of the development.

Reason: To encourage non-car based modes of transport in accordance with Policy CS18 of the City of Southampton Core Strategy (2015).

3. Noise Insulation

Prior to first occupation of bedroom 6 as shown on the approved plans a scheme for noise insulation of floor to ceiling height of the party walls, shall be installed in accordance with details that have first been submitted to and approved in writing by the local planning authority. Upon implementation of the approved scheme specified in this condition, that

scheme shall thereafter be maintained for the lifetime of the development unless otherwise agreed in writing.

Reason: to protect the amenities of neighbouring properties in accordance with saved Policy SDP16 of the City of Southampton Local Plan Review (2015).

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP16	Noise
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

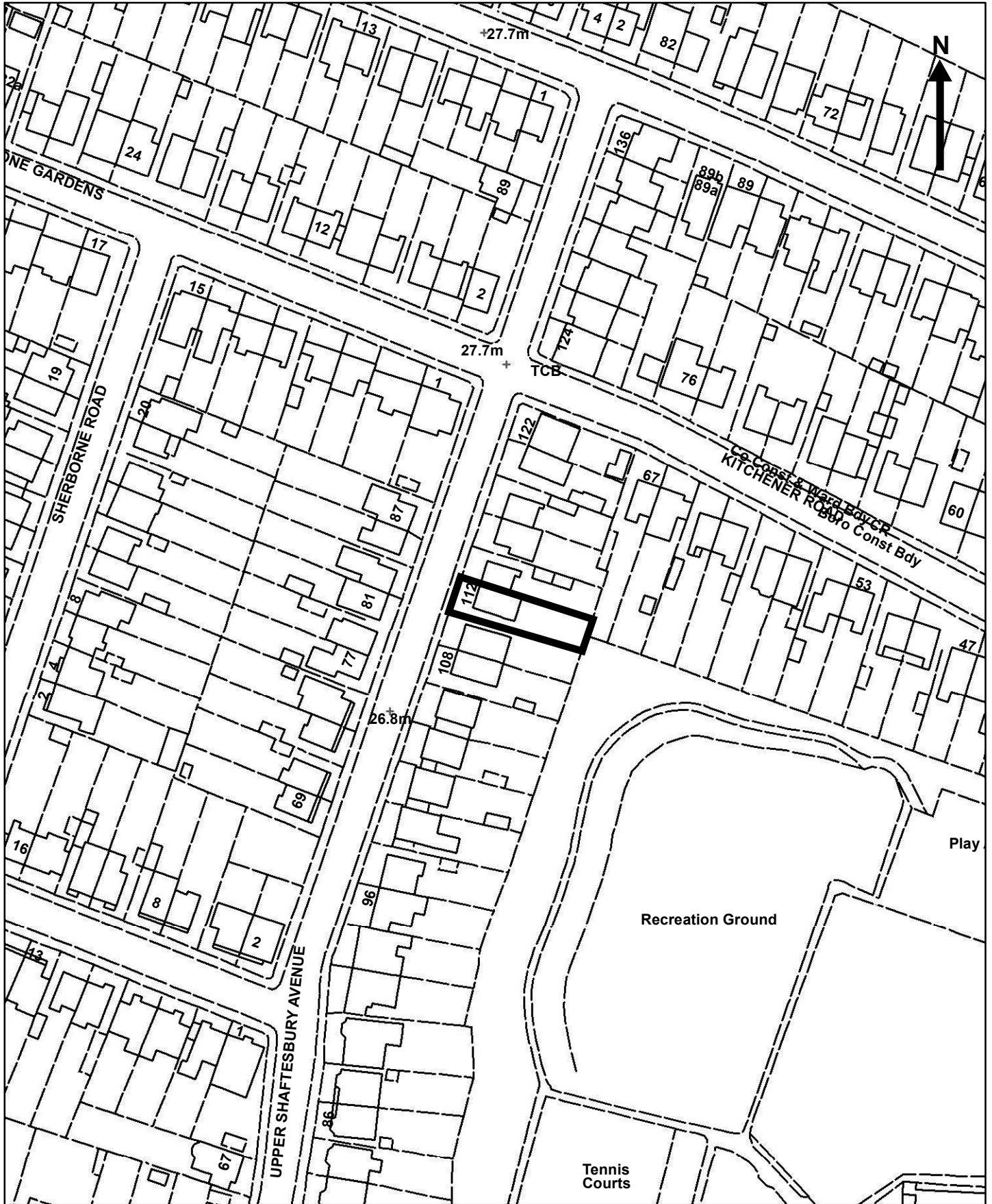
Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)
Houses in Multiple Occupation (May 2016)

Other Relevant Guidance

The National Planning Policy Framework (2021)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Agenda Item 5 23/00617/FUL

Appendix 1



Scale: 1:1,250

©Crown copyright and database rights 2020 Ordnance Survey 100019679



This page is intentionally left blank

Planning and Rights of Way Panel 22nd August 2023
Planning Application Report of the Head of Transport & Planning

Application address: 112 Upper Shaftesbury Avenue, Southampton			
Proposed development: Change of use from a house in multiple occupation (HMO, class C4) to either a dwelling house (class C3) or a house in multiple occupation (HMO, class C4)			
Application number:	23/00619/FUL	Application type:	FUL
Case officer:	Craig Morrison	Public speaking time:	5 minutes
Last date for determination:	04.08.2023	Ward:	Swaythling
Reason for Panel Referral:	Ward Cllr Referral	Ward Councillors:	Cllr Mrs Lorna Fielker Cllr Matthew Bunday Cllr Sharon Mintoff
Applicant: Mr Malcolm Daryl Hay		Agent: Applecore PDM Ltd	

Recommendation Summary	Conditionally Approve
-------------------------------	------------------------------

Community Infrastructure Levy Liable	No
---	-----------

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 39-42 and 46 of the National Planning Policy Framework (2021). Policies –CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1 and H4 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Electoral Roll Summary.

Recommendation in Full

Conditionally Approve

1. The site and its context

1.1 The application site is a 1930s style 2 storey HMO, with a 2 floor bay window to the front elevation, and an existing single storey rear extension. The ground floor of the property is constructed of red brick and the upper floor faced in pebbledash. Externally there is an area of hardstanding to the front capable of accommodating 1 car adjacent to an area laid to grass. Fences approximately 1 metre in height separate the front

garden from the neighbouring properties. To the rear is a modest rear garden which backs on to the Portswood Recreation Ground; there are mature trees at the end of the garden and an approximately 1.8 metre fence surrounds the rear garden.

- 1.2 The property the subject of this application has an accompanying planning application to extend the property both at first floor and via extensions to the property's roof. At present the property has 4 bedrooms in total; 1 at ground floor level where there is also a kitchen, dining and lounge area and 3 bedrooms at first floor level.

2. Proposal

- 2.1 This applicant has made the application on the basis that the property is currently in lawful use as a C4 House in Multiple Occupation which allows up to 6 unrelated people to reside in the property.
- 2.2 The Council's City-wide Article 4 direction restricts changes of use between use class C3 (single dwelling) to C4 Class L (b) of the General Permitted Development Order but allows for changes the other way from C4 to C3 under Class L (a). As a result if the property was to return to a C3 dwelling – rented to a family for instance - it could not then lawfully return to a C4 use.
- 2.3 The application seeks to allow for the use of the property flexibly in either C3 or C4 use thereby negating the above issue.

3. 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) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 1***.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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. Relevant Planning History

- 4.1 The property is an established HMO. There is a concurrently running planning application for consideration at this meeting as below:

23/00617/FUL

Erection of a first floor rear extension, hip to gable extension and rear dormer –
Recommendation: Conditionally Approve

5. 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 on the 2nd June 2023. At the time of writing the report 1 representation has been received specifically in relation to this application from surrounding residents. The following is a summary of the points raised:

5.2 ***Property is in a poor state of repair and unsuitable for family use. Queries raised about room sizes.***

Response

This is not a material planning consideration. While the property would benefit from improvements the house is not in such a state of disrepair as to make it uninhabitable. The building is an established HMO so the queries around room sizes are also not relevant.

5.3 ***Errors on application form and plans***

Response

The matters relating to the applicant's surname difference between the plans and application form are not material to the planning considerations of this proposal. It is acknowledged that the application form suggests that there are no trees, however as there are no building works proposed in this application specifically it is not considered that this materially affects the decision.

5.4 ***The property has been in use as a HMO since before the Article 4 Direction. was adopted.***

Response

Agreed. The evidence submitted with this application appears to indicate that on the balance of probabilities that this is the case. As such the principle of an HMO is not for consideration as this use has already been established.

Consultation Responses

Consultee	Comments
SCC Council Tax	There have been 3 or 4 unrelated tenants since at least 2012.

6.0 **Planning Consideration Key Issues**

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

- The principle of development;
- Design and effect on character
- Residential amenity;
- Parking highways and transport

6.2 **Principle of Development**

6.2.1 Saved Local Plan Review Policy H4 (HMOs) allows for the creation of new HMOs provided that the proposal does not result in an overconcentration of HMOs (over 10%) within a 40m radius. Proposals are then subject to consideration of factors relating to the amenity of neighbouring properties, the character of the area and adequate amenities and living conditions of the proposed occupiers.

6.2.2 The applicant has submitted a statutory declaration from the owners that the property has been in occupation as a HMO, being rented to between 3 and 6 individuals since 1998.

6.2.3 The above statements indicate that the property was already in use as a C4 HMO at the time of the Article 4 Direction, referred to in paragraph 2.2 above, and that being the case a HMO would continue to be lawful to the present day unless there was evidence that the property had reverted to a family dwelling (Class C3) in the intervening time period.

6.2.4 The Council Tax service has confirmed that their records show that the property has been used as a HMO for between 3 and 4 tenants since at least 2012 which lends further credibility to the applicant's statement.

6.2.5 The electoral roll has been checked and the summarised results are present in **Appendix 2**. These show that, with the exception of the 2017 entry and the most recent 2023 entry, there were between 3 and 5 occupants in the property.

6.2.6 The evidence presented is sufficient to demonstrate that on the balance of probabilities the property is lawfully in use as a C4 House in Multiple Occupation. The proposal would not therefore result in additional HMOs within the area. The principle of development is therefore acceptable subject to consideration of the other matters raised in paragraph 6.2.1 and considered in the remainder of this report. The use of the building by families is also acceptable and so the proposed flexibility can be supported.

6.3 Design and effect on character

6.3.1 The proposal requires no changes to the exterior of the building and, therefore, the proposal would not affect the visual character of the area. It is likely that the addition of family occupation (which could occur anyway under 'Permitted Development') would have limited impact on the character and could likely result in fewer comings and goings from the property.

6.4 Residential amenity

6.4.1 As stated above it is considered likely that family occupation of the dwelling may result in fewer comings and goings and would not result in an adverse impact on the nearby residents. A dual use is deemed appropriate

6.5 Parking highways and transport

6.5.1 The use of the property as a family dwelling, in addition to the established HMO, is not likely to result in an increase in the number of vehicles being parked at the property and therefore would not result in additional parking stress within the area.

7. Summary

7.1 With the Article 4 Direction in place the owner of this property cannot flip the use of the building between the established HMO and then to families living as a single household. This restricts the ability to find ongoing tenants as once the HMO use is lost a fresh planning application would be needed before it could be reinstated. This results in uncertainty that this application seeks to address. As the proposal has demonstrated, on the balance of probabilities that the property is already in use as a lawful C4 HMO, it is not considered that allowing a flexible use between C3 and C4

would result in harm to the character or amenity of the area. The proposal would have the benefit of increasing the likelihood of family use of the property as this would not prejudice the future ability to re-use the property as an HMO.

- 7.2 The proposal therefore complies with the relevant saved policies of the City of Southampton Local Plan Review and LDF Core Strategy.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Craig Morrison for 22/08/23 PROW Panel

PLANNING CONDITIONS

1. Retention of communal spaces & number of occupiers

The room labelled kitchen/dining/lounge on the ground floor plan, together with the external amenity areas, shall be made available for use by all occupants of the property for the lifetime of the development and shall be retained and available for communal purposes when in use as a HMO. The number of occupiers within the property, when in HMO use, shall not exceed 6 persons unless otherwise agreed upon in writing by the Local Planning Authority.

Reason: To ensure that suitable communal facilities are provided for the residents, and in the interests of protecting the amenities of local residents.

2. Dwelling House and House in Multiple Occupation Dual Use (Performance)

The dual Use Class C3 (dwelling house) and/or Use Class C4 (House in Multiple Occupation) use hereby permitted shall be for a limited period of 10 years only from the date of this Decision Notice. The use that is in operation on the tenth anniversary of this Decision Notice shall thereafter remain as the permitted use of the property.

Reason: In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use

Note: Before the building can be occupied as a single dwelling any HMO license may need to be revoked.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP16	Noise
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)
Houses in Multiple Occupation (May 2016)

Other Relevant Guidance

The National Planning Policy Framework (2021)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Application 23/00619/FUL
Appendix 2 Electoral Roll Summary (Initials Only)

2012 In Force 01/12/2011 - HR, JS, LW, HW

2013 In Force 16/10/2012 – HR, JS, LW, HW

2014 In Force 17/02/2014 – IB, SD, SW

2014/2015 In Force 01/12/2014 – IB, SD, SW

2016 In Force 01/12/2015 – IB, SD, SW

2017 In Force 01/12/2016 - SW

2017/2018 In Force 01/12/2017 – CM, JW, SW

2018/2019 In Force 01/12/18 – CM, JW, SW

2020 In Force 01/02/20 – BH, CM, GS, JW, SW

2021 In Force 01/03/21 – CM, GS, JW, SW

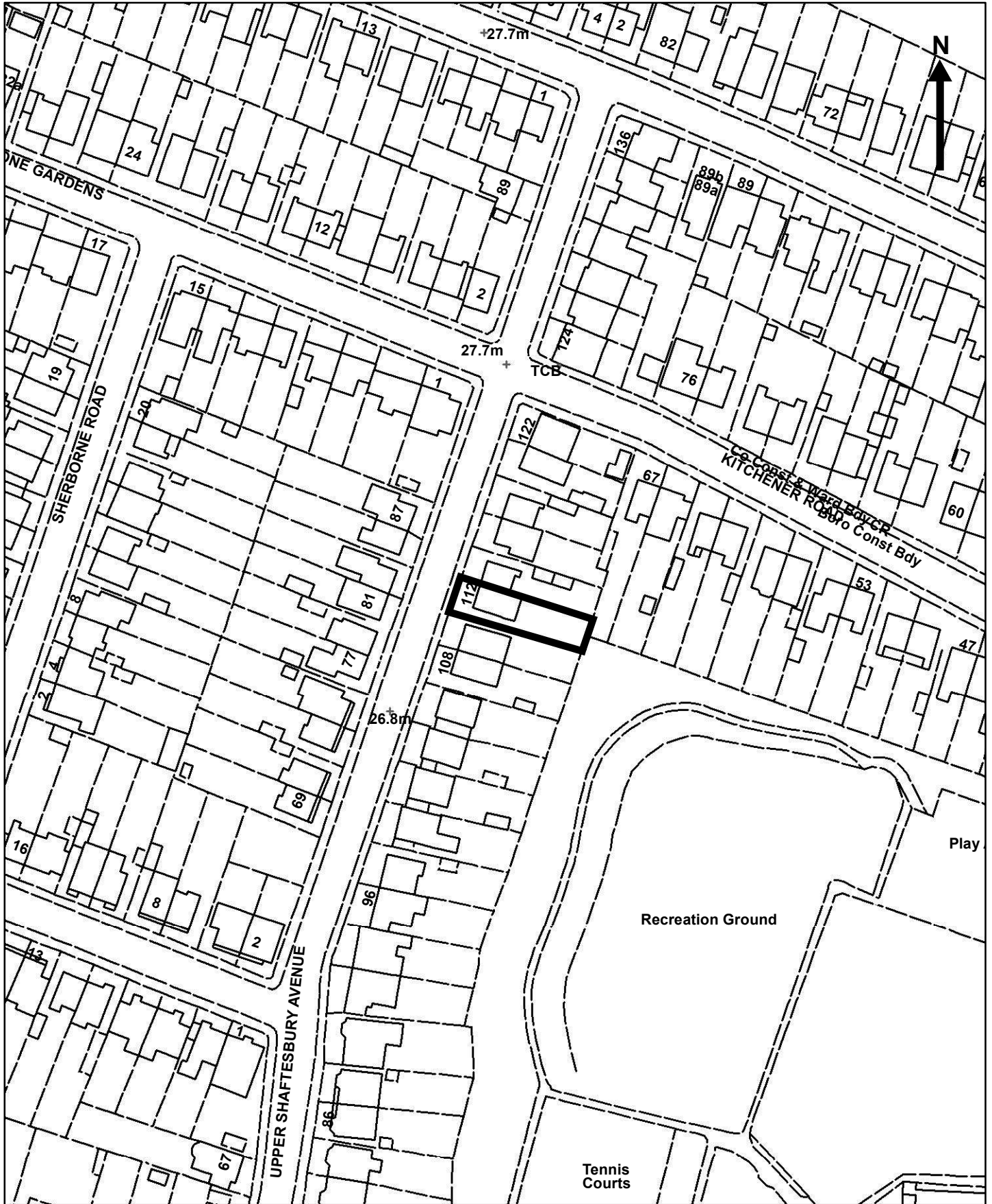
2022 In Force 01/12/2022 – CM, GS, JW, SW

2023 In Force 01/02/23 - None

This page is intentionally left blank

Agenda Item 6 23/00619/FUL

Appendix 1



Scale: 1:1,250

©Crown copyright and database rights 2020 Ordnance Survey 100019679

This page is intentionally left blank