

Planning and Rights of Way Panel 19th June 2018
Planning Application Report of Service Lead – Infrastructure, Planning and Development

Application address: 89 Alma Road, Southampton			
Proposed development: Erection of a garage block to the rear of the property. Amendments to permission 17/00673/FUL (Part Retrospective).			
Application number	18/00664/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	07.06.2018	Ward	Bevois
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Kataria Cllr Rayment Cllr Barnes-Andrews
Referred to Panel by:	Cllr Barnes-Andrews	Reason:	Intended for residential use, rear facing windows overlook neighbours
Applicant: Mr J Rai		Agent: ACAA Design Limited (Mr Amrik Chahal)	
Recommendation Summary		Conditionally approve	
Community Infrastructure Levy Liable		Not applicable	

Reason for granting Planning 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, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Planning history

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The site is occupied by a block of 10 flats which was granted consent on 22nd April 1998 with parking and communal space to the rear (with an open boundary with the neighbouring property at 87). The surrounding area contains a mix of different property types but is primarily residential in nature.

2.0 Proposal

- 2.1 The application proposes a single storey structure to the rear of the site, intended to be used as a communal storage space for the occupiers of the flats.

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 There have been a number of applications on the site relating to the erection of a similar structure (see *Appendix 2* for a full summary).
- 4.2 An initial application was submitted mid 2016 (16/01044/FUL) for an outbuilding to the rear of the site (which is occupied by a flatted block). The structure was proposed as storage for the occupants of the flats. This application was approved on 05.12.2016. The consent included a condition which restricted the use of the building to serve as only ancillary garage/storage for the occupants of the flats.
- 4.3 A subsequent application was then submitted in late 2016 (16/02220/FUL) for an amended design changing the layout and scale of the building. This application was approved on 28.03.2017. The consent included conditions restricting the use of the building.
- 4.4 A further application was then submitted (17/00673/FUL) both to address some landownership issues and seek further alterations to the scheme in the form of a reduced footprint (but additional increase in height). This application was approved on 11.08.2017 and included a condition restricting the use of the building as a garage/ancillary storage space for the occupiers of the flats.
- 4.5 Following this application building works began to implement the consent. The building was constructed as approved in terms of siting, footprint, size and form. However alterations were made to the doors/windows – specifically the garage doors originally proposed were replaced with doors and windows and additional doors and windows were installed in the rear. The applicant sought to regularise the structure as built through the submission of a non-material amendment

application to the consent scheme (18/00114/NMA) but the Council determined that the alterations were a material alteration to the appearance of the building and therefore could not agree the changes through the non-material amendment procedures. The applicant was encouraged to make a formal planning application.

- 4.6 The applicant has now come forward with a new application which seeks permission to retain the doors and windows to the front but not the windows and doors to the rear. The main bulk of the structure otherwise remains as per the previous approved scheme, which should be afforded significant weight in the Panel's deliberations.

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 (27.04.2018). At the time of writing the report **8 representations** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 Concern that development will be used as additional residential accommodation. Footings/walls/drainage installed imply residential use proposed

RESPONSE: The Council do not consider that an independent dwelling would be appropriate here and have been clear on this with every application on the site. All applications have included conditions to secure a non-residential use of the structure. If at any point local residents are concerned that the building has become occupied for residential use they should contact the Planning Enforcement team who will investigate and take action as necessary.

- 5.3 Additional windows and doors overlook neighbouring properties

RESPONSE: It is noted that this application contains a single rear facing window, which the recommendation requires to be obscured. The main windows and doors presently in the building as constructed are not part of the current application and will be required to be removed.

- 5.4 Building will not/cannot be used as a garage

RESPONSE: The Council's understanding (as per conditions on previous applications) has always been that the primary intention was to use the structure as ancillary storage space for the occupiers of the flat units. Given the size of the building and layout of the site it is not considered practicable for most of the structure to be used as a garage (other than for motorbikes and other smaller vehicles).

- 5.5 Parking spaces lost to the rear

RESPONSE: Given the previous use of the space as open land and the fact that vehicular access is not expected to be required for the western section of the structure it is not clear that a significant amount of parking will be lost following the completion of development.

- 5.6 Scale of structure is excessive in proximity to the boundary

RESPONSE: This issue is discussed in more detail in section 6. It is noted that one representation letter raised concerns about the plans referring to a first floor level. For clarity the 'first floor plan' identified in Drawing No 2017/01 Rev H is a roof plan, showing a top down view of the roof of the building.

- 5.7 The application is retrospective/the applicant will convert the premises at a later date/the applicant does not respect the planning process

R The Councils enforcement team were promptly made aware of the deviations in the built form compared to the previously consented structure. If any residents have concerns that the structure is not being built or occupied in accordance with the plans and conditions imposed, they should contact the Councils enforcement team. The application itself should be judged on its own merits.

Consultation Responses

5.8 **Outer Avenue Residents Association –**

- Vehicle access is not possible so cannot be a garage
- Inadequate parking to meet the needs of the site
- Concern regarding potential installation of drains
- Building in close proximity to neighbouring properties
- Windows as built overlook neighbouring property – enforcement action should be pursued
- Building looks intended to be residential

5.9 **Cllr Barnes-Andrews –**

- Support comments of neighbours
- Concern that building will be used for residential purposes
- Rear facing windows overlook neighbouring properties

6.0 Planning Consideration Key Issues

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

- Principle of Development & Planning History;
- Use; and
- Character & Amenity

6.1 Principle of Development & Planning History

6.2.1 As outlined in section 4, a number of other applications have already been submitted and granted consent on the site for similar structures. The current application has been submitted following the structure commencing construction and some elements not having been built in accordance with the approved plans. Specifically, the main design and massing of the structure remain identical to the most recently approved application (17/00673/FUL).

6.2.2 The key difference between the previous and current proposal are the replacement of the 'garage' style doors on the eastern segment of the structure with doors and window and the addition of a rear facing window on the eastern most section. The applicant has advised these are intended to provide some degree of additional light for users.

6.3 Use

6.3.1 A number of concerns have been raised by local residents about the potential use of the structure for residential purposes. For clarity, given the layout of the site and the position of the structure the Council do not (and did not under previous applications) expect that the structure would primarily be used as a

garage, but rather as a general external store solely for the use of the residents at 89 Alma Road. The applicant has not applied for a residential use and the Panel should consider the application on this basis. All previous applications have included conditions restricting the use of the structure on this basis and the recommendation on this application also includes a condition restricting the use of the premises in this fashion. Any subsequent breach will be investigated and enforced where expedient to do so.

6.4 Character and Amenity

- 6.4.1 As noted above, the scale and design of the structure is identical to that previously approved under application 17/00673/FUL. As part of that proposal the overall scale of the structure and proximity to the boundary were considered but given the open space and set back between neighbouring properties, on balance was not considered to be significantly harmful.
- 6.4.2 A number of concerns relate to the presence of windows in the rear of the structure. For clarity, these openings were not granted permission as part of 17/00673/FUL and have not been included as part of the current proposal (with the exception of a single rear facing window on the eastern section of the site). As such a condition is recommended to secure regularisation of the development in line with the agreed plans in a timely fashion.
- 6.4.3 The rear facing window is at ground floor level and is partially screened by the existing boundary treatment between properties. Taking into account the use of the premises as an ancillary store to the flats it is considered that there will be a generally low intensity of use, however it is considered reasonable to require the window be obscured.
- 6.4.4 In terms of the alterations to the front, the application proposes the change from two garage style doors to two sets of doors and windows. Broadly no objection is raised to the alteration in terms of the overall appearance of the structure. While it is noted that this does give the building a more 'residential' appearance, for clarity, the Council still do not consider the site appropriate for the use of an independent residential structure and the planning application is not for this use. To determine the application as a new dwelling(s) at this stage would be unreasonable.

7.0 Summary

- 7.1 The general scale and design of the structure has been previously agreed by the Council. The proposed alterations have a relatively minor impact on the overall appearance of the structure and are considered to be acceptable subject to suitable conditions restricting the property. The Council would continue to insist on a condition restricting the use of the structure an ancillary storage for the occupiers of the flats and for no other use.

8.0 Conclusion

- 8.1 Subject to the conditions laid out in the recommendation, the application is recommended for 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)(vv), 6(a)(b), 7(a)

JF for 19/06/18 PROW Panel

PLANNING CONDITIONS

01. Regularisation timing (Performance)

Within 2 months of the date of this consent the unauthorised openings to the rear (south elevation – not shown on plan ref: 2017/01 Rev H) shall be closed up using materials to match the existing structure. The building shall be retained without additional openings to those shown on this approved drawing.

Reason: In the interests of the amenities of neighbouring occupiers and to regularise the development in an expedient fashion.

02. Materials to match (Performance Condition)

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 at 89 Alma Road.

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. Limitation of use of outbuilding as ancillary storage (Performance)

The outbuilding hereby approved shall only be utilised as a garage/ancillary storage space for the occupiers of the flats and not for any other use unless otherwise agreed in writing with the Local Planning Authority.

Reason: To avoid any unacceptable intensification of the plot which would be unlikely to satisfy either adopted or emerging Council planning policies.

04. Obscure Glazing (Performance Condition)

The proposed rear facing window shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The window shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

05. 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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

Relevant Planning History

18/00114/NMA, Non material amendment sought to planning permission 17/00673/FUL to amend condition 4 (approved plans) to enable elevation change and reconfiguration of internal layout.

Objection, 09.02.2018

17/00673/FUL, Construction of a single storey garage block to the rear of the property.

Amendments to permission 16/02220/FUL

Conditionally Approved, 11.08.2017

16/02220/FUL, Construction of a single storey garage block to the rear of the property.

Amendments to permission 16/01044/FUL.

Conditionally Approved, 28.03.2017

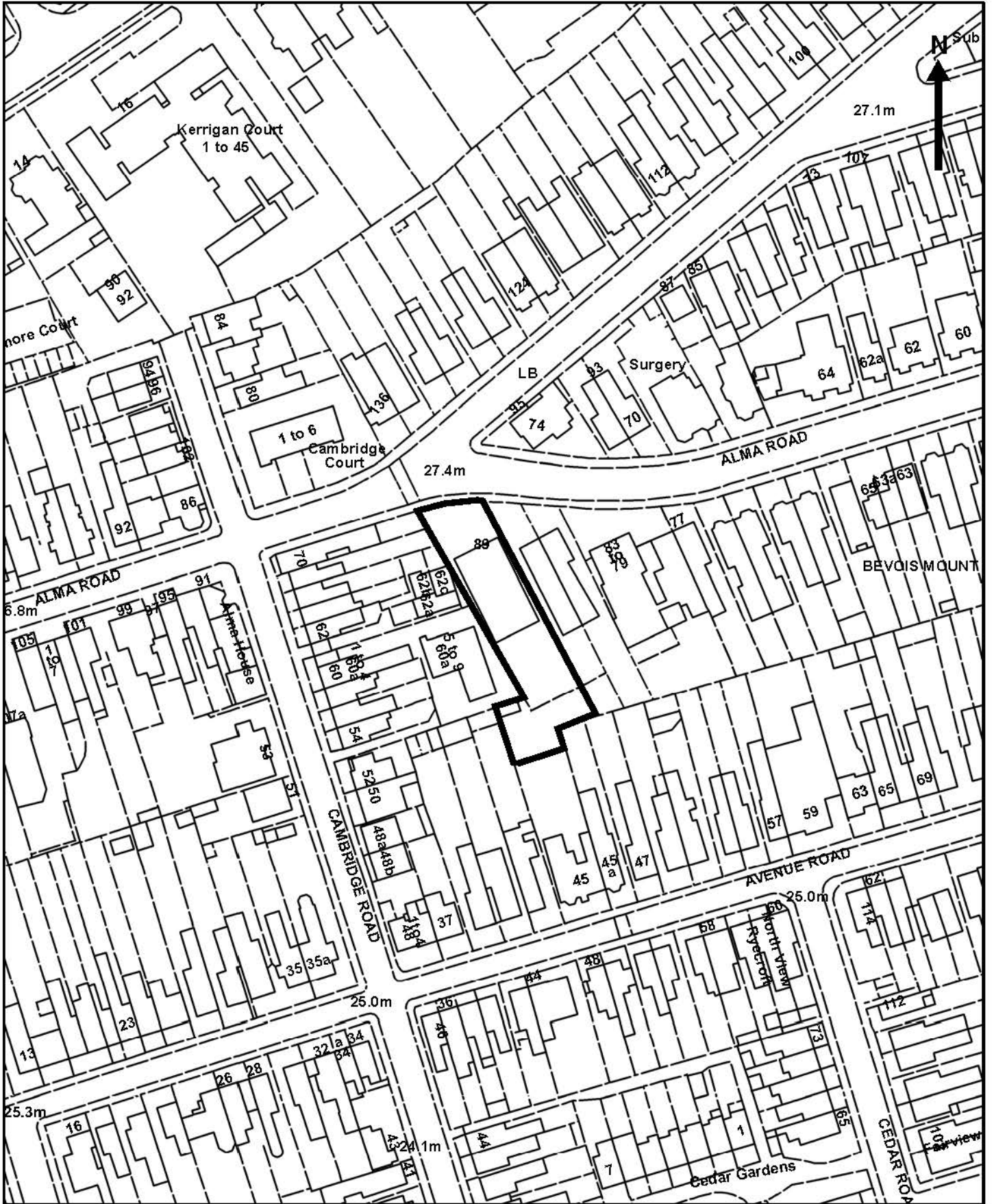
16/01044/FUL, Construction of a single storey garage and storage building to the rear of the property

Conditionally Approved, 05.12.2016

980169/W, Re-development of the site by the erection of a 3-storey block of 10 no. flats (2x2-bed and 8x1-bed) and associated – renewal of planning consent 921490/26076/W (allowed on appeal) prior to expiry

Conditionally Approved, 22.04.1998

18/00664/FUL



Scale: 1:1,250

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