



## DETERMINATION OF APPLICATION

### TOWN AND COUNTRY PLANNING ACT 1990

#### Town and Country Planning (Development Management Procedure) (England) Order 2015

Mr David Windsor  
3 Gresley Gardens  
Hedge End  
Southampton  
SO30 2XG

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

#### FULL APPLICATION - REFUSAL

**Proposal:** Change of use from care home to 7 bed HMO and 1 x 1 bed flat with parking, cycle and refuse store (Amended Description).

**Site Address:** 39 Thornbury Avenue, Southampton, SO15 5BQ

**Application No:** 21/00473/FUL

For the following reason(s):

##### 01.Impact on character and amenity

The conversion of the former care home to a House in Multiple Occupation (HMO) has cumulatively resulted in an excessive concentration of HMOs within the immediate area and results in an adverse impact on the overall character and amenity of the area surrounding the application site in terms of the mix and balance of households in the local community. The loss of the established specialist care home accommodation has not been adequately justified. Furthermore, the change in nature and intensification in occupation arising from the HMO use and the noise and disturbance from the comings and goings and associated activities of the overall number of unrelated occupants will adversely impact on the amenity of the neighbouring occupiers. Therefore, the proposal cannot be supported as it will be contrary to saved Policies SDP1(i) and H4 of the Local Plan Review (Amended 2015), Policy CS16 of the Core Strategy (Amended 2015) as supported by the relevant sections of the Houses in Multiple Occupation Supplementary Planning Document (Approved May 2016).

##### 02.Insufficient parking

Based on the information submitted, it has not been adequately demonstrated that the parking demand from this development coupled with the loss of existing off-road parking would not harm the amenity of nearby residential occupiers through increased competition for on-street car parking. The development would, therefore, be contrary to the provisions of Policy SDP1(i) of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

##### 03.Lack of Section 106 or unilateral undertaking to secure planning obligations.

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of the new HMO accommodation (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

#### 04.Note to Applicant - Community Infrastructure Liability (Refusal)

You are advised that, had the development been acceptable, it could be liable to pay the Community Infrastructure Levy (CIL). Please ensure that, should you chose to reapply or appeal, you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer



**Paul Barton**  
**Interim Head of Planning & Economic Development**

3 June 2021

For any further enquiries please contact:  
**Stuart Brooks**

#### **PLANS AND INFORMATION CONSIDERED**

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings:

<b>Drawing No:</b>	<b>Version:</b>	<b>Description:</b>	<b>Date Received:</b>	<b>Status:</b>
C11/028.01	Rev A	Location Plan	12.04.2021	Refused
TH002	Rev A	Site Plan	12.04.2021	Refused
TH003		Floor Plan	12.04.2021	Refused

#### **NOTES**

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, they may appeal to the Secretary of under Section 78 of the Town and Country Planning Act 1990.

1. Appeals **must be registered within six months of the date of this notice** and be made using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or do it online at <https://acp.planninginspectorate.gov.uk/>
2. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
3. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
4. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)



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[southampton.gov.uk](http://southampton.gov.uk)



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5. If permission to develop land is refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring that the Authority purchase their interest in the land in accordance with Part IV of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
8. The applicant is recommended to retain this form with the title deeds of the property.

Please address any correspondence in connection with this form quoting the application number to:  
**Development Management, Southampton City Council, Lower Ground Floor, Civic Centre, Southampton, SO14 7LY**