

Planning and Rights of Way Panel

Tuesday, 21st August, 2018
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Rooms 3 & 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Savage (Chair)
Councillor Coombs (Vice-Chair)
Councillor Claisse
Councillor L Harris
Councillor Mitchell
Councillor Murphy
Councillor Wilkinson

Contacts

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Service Lead - Planning Infrastructure and
Development
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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.

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

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

MOBILE TELEPHONES:- Please switch your mobile telephones 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 2017/18

2018	
29 May	11 September
19 June	9 October
10 July	13 November
31 July	11 December
21 August	

2019	
8 January	12 March
29 January	2 April
26 February	23 April

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 the 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 - 8)

To approve and sign as a correct record the Minutes of the meetings held on 31st July, 2018 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION 18/01044/FUL 408 PORTSMOUTH ROAD (Pages 13 - 22)

Report of the Service Lead, Planning, Infrastructure and Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

6 PLANNING APPLICATION - 18/01085/FUL 14 THE BROADWAY (Pages 23 - 32)

Report of the Service Lead, Planning, Infrastructure and Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

7 PLANNING APPLICATION - 18/00974/FUL 56 WILTON AVENUE (Pages 33 - 46)

Report of the Service Lead, Planning, Infrastructure and Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

8 PLANNING APPLICATION - 18/00760/FUL 17 BASSETT GREEN CLOSE (Pages 47 - 56)

Report of the Service Lead, Planning, Infrastructure and Development recommending

that conditional approval be granted in respect of an application for a proposed development at the above address.

Monday, 13 August 2018

Director of Legal and Governance

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 31 JULY 2018

Present: Councillors Savage (Chair), Coombs (Vice-Chair), Claisse, L Harris, Mitchell, Murphy and Wilkinson

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

RESOLVED: that the minutes for the Panel meeting on 10 July 2018 be approved and signed as a correct record.

16. **PLANNING APPLICATION - 18/00746/FUL - 390-392 SHIRLEY ROAD**

The Panel considered the report of the Service Lead, Infrastructure, Planning and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Re-development of the site. Erection of a single-storey building to provide a Lidl food store with parking following demolition of existing building (Re-submission of 17/01206/FUL).

John Lethbridge, Rob Barton (local residents, supporting), Oliver McGuinness (Applicant), Councillor Furnell, Councillor Taggart (Ward Councillors) and Councillor Fitzhenry (on behalf of Councillor Galton, Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The scheme has been assessed against the revised NPPF (2018) and remains in accordance with national planning policy.

The Panel agreed two amended conditions for the application, wording set out below.

The Panel requested an additional condition regarding an electric vehicle charging points feasibility study being carried out, as set out below.

A motion was proposed by Councillor Wilkinson and seconded by Councillor Murphy that a barrier be installed at the entrance to the car park, secured by the condition for the car park management plan.

RECORDED VOTE to install a barrier at the entrance to the car park

FOR: Councillors, Wilkinson, Murphy, Claisse and L Harris

AGAINST: Councillors Coombs, Savage and Mitchell

The motion was therefore carried.

The Panel then considered the recommendation to delegate authority to the Service Lead – Infrastructure, Planning and Development to grant planning permission. Upon being put to the vote, the recommendation was carried.

RESOLVED that the Panel:

- (i) Delegate to the Service Lead – Infrastructure, Planning and Development to grant planning permission subject to the planning conditions recommended at the end of this report as amended and the additional condition (set out below) and the completion of a S.106 Legal Agreement to secure:
 - a. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - b. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - c. Submission, approval and implementation of a Travel Plan.
 - d. Submission, approval and implementation of a Servicing Management Plan.
 - e. Submission, approval and implementation of a Site Waste Management Plan.
 - f. Employment and Skills Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - g. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - h. The submission, approval and implementation of site wide CCTV.
- (ii) In the event that the legal agreement is not completed within 3 months after the Planning and Rights of Way Panel, the Service Lead – Infrastructure, Planning and Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
- (iii) That the Service Lead – Infrastructure, Planning and Development be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Amended Conditions

5. Car Park Management Plan (Pre-Use Condition)

Prior to development hereby approved first coming into use, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority.

Specifically, this shall include details of a minimum of 1.5 hours dwell time for parked vehicles (including allowing customers to leave their vehicles in the car park to visit other units within the area) within the car park hereby permitted and details of a security barrier and subsequent management to prevent car park access overnight. The Management Plan shall be implemented when the development first comes into use and thereafter adhered to at all times.

Reason: To add to vitality of the Town Centre and control of the car park.

36. Hours of Use & Delivery (Performance Condition)

The food store hereby approved shall not operate outside of the hours hereby set out:

- 8.00am and 10pm ~~midnight~~ (Monday to Saturday) and
- 10am and 5pm Sundays, Bank and/or Public Holidays

No deliveries shall be taken or despatched outside the hours hereby set out:

- 7am and 11pm (Mon-Sat)
- 8:30am and 8pm (Sundays and recognised public holidays)

Reason: In the interests of existing and proposed residential amenity.

Additional Condition

39. Electric Vehicle Charging points feasibility study

A feasibility study for electric vehicle charging points shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for electric vehicle charging points, a specification shall be agreed in writing with the Local Planning Authority. Electric vehicle charging points to the approved specification shall be installed and rendered fully operational prior to the first operation of the development hereby granted consent and retained and maintained thereafter.

Reason: To combat the effects of climate change and reduce the emission of pollutants in accordance with policy CS20.

17. PLANNING APPLICATION - 17/02525/FUL - COSTCO, REGENTS PARK ROAD

The Panel considered the report of the Service Lead, Infrastructure, Planning and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Erection of petrol filling station, reconfiguration of car parking, landscaping and associated works (additional landscaping, lighting, air quality, odour, noise and transport information received).

Greg Barfoot, Martin Clayton (local residents, objecting), Neil Daniels (Applicant), Ian Dix (Agent), Councillor Furnell (ward councillor, objecting) and Councillor Fitzhenry (on behalf of Councillor Galton, Ward Councillor, objecting) were present and with the consent of the Chair, addressed the meeting.

The scheme has been assessed against the revised NPPF (2018) and remains in accordance with national planning policy. The Council's Tree officer was satisfied with

the tree protection measures and tree species as shown on landscape drawing no. 1001 Rev E.

The presenting officer reported that two additional conditions would be required to be added to the application in relation to: the acoustic fence and signage as set out below.

The Panel proposed amendments to Condition 4 as set out below.

A further motion was proposed by Councillor Savage and seconded by Councillor Mitchell that the opening hour of the petrol station be amended to 9.00 am.

RECORDED VOTE to amend the opening hour of the petrol station

FOR: Councillors Savage, Mitchell and Murphy

AGAINST: Councillor Coombs

ABSTAINED: Councillors Wilkinson, Claisse and L Harris

The motion was therefore carried.

The Panel then considered the recommendation to grant conditional planning permission.

RECORDED VOTE to grant planning permission

FOR: Councillors Murphy, Mitchell, Coombs and L Harris

AGAINST: Claisse, Savage and Wilkinson

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

Additional Conditions

APPROVAL CONDITION – Acoustic Fence

Details of the design and external appearance of the acoustic screen as shown on drawing no. (PA) 04 Rev B shall be submitted to the Local Planning Authority and agreed in writing prior to the commencement of development. The acoustic screen shall be installed prior to commencement of use of the petrol filling station and retained as agreed.

Reason: In the interests of good design and to prevent adverse noise impact.

APPROVAL CONDITION – Signage

No Totem or other signage shall be installed on the Regents Park frontage advertising the Petrol Filling Station hereby approved.

Reason: To ensure that any increased new and pass-by trips generated by frontage signage are considered through a formal planning application in order to prevent severe congestion and obstruction to flow of traffic on Regents Park Road.

Amended conditions

Condition 04 (landscaping):

The development shall be carried out in accordance with landscape drawing no. **1001 Rev E** by Andrew Davis.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

Condition 08 (hours of use) amended as follows:

The Petrol Filling Station hereby approved shall not be open to customers and no deliveries taken outside of the following hours:

Monday to Friday - **09:00** to 21:30

Saturday - **09:00** to 20:00

Sunday and recognised public holidays - **09:00** to 18:00

No deliveries shall take place during the following peak times on the highway network:

Monday - Friday 0800hrs to 0900hrs and 1600hrs to 1700hrs

Saturday 1330hrs to 1430hrs

Reason: To protect the amenities of the occupiers of existing nearby residential properties and in the interests of highway safety.

18. **PLANNING APPLICATION - 18/00629/FUL - QUEENS KEEP FOOTBALL CLUB**

The Panel considered the report of the Service Lead – Infrastructure, Planning and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Erection of a single storey hospitality building, spectator stand and formation of a car park.

Graham Linecar (SCAPPS, objecting) and Donald Campbell (Applicant) were present and with the consent of the Chair, addressed the meeting.

The scheme has been assessed against the revised NPPF (2018) and remains in accordance with national planning policy.

The presenting officer reported that he had received an email from Councillor Pope, which he read to the meeting, objecting to the application.

The presenting officer reported that two conditions would need to be amended in relation to the colour of paint to be used on the buildings and the ongoing maintenance of the hedgerow as set out below.

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

RESOLVED that planning permission be approved subject to the conditions in the report and the amended conditions set out below.

Amended Conditions

02. APPROVAL CONDITION - External appearance

Prior to the commencement of development the Green RAL colour for spectator stand and hospitality building shall be agreed in writing with the Local Planning Authority. The spectator stand and hospitality building shall be painted in the colour as agreed prior to the commencement of use and thereafter retained as agreed.

Reason: In the interests of the visual amenities of the area

05. Sightlines specification (Performance)

Prior to the commencement of development sightlines at the new vehicular access and a scheme of pruning and ongoing maintenance of hedgerow within the sightline splay shall be submitted and agreed in writing with the Local Planning Authority. The sightlines and associated hedge works shall be carried out and retained as agreed. No hedgerow works to form the access and sightlines shall take place during the main nesting and breeding season from 1 March to 31 August.

Reason: To provide safe access to the development and to prevent congestion on the highway. To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

19. **PLANNING APPLICATION - 18/00673/FUL - BROWNHILL WAY**

The Panel considered the report of the Service Lead, Infrastructure, Planning and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Application for removal of condition 21 relating to code for sustainable homes of planning permission ref 12/00596/FUL.

Mark Hewett (Agent) was at the meeting and with the consent of the Chair, addressed the meeting.

Councillor Savage proposed a motion that dwellings 1 & 2 should achieve a minimum Level 4 of the code for sustainable homes.

RECORDED VOTE to achieve Level 4 on dwellings 1 & 2

FOR: Councillors Savage, Murphy, Mitchell, Claisse and L Harris

AGAINST: Councillor Coombs

ABSTAINED: Councillor Wilkinson

The motion was therefore carried.

The Panel then considered the recommendation to delegate authority to the Service Lead, Infrastructure, Planning and Development to grant planning permission.

RECORDED VOTE to

FOR: Councillors Savage, Murphy, Mitchell, Claisse and L Harris

AGAINST: Councillor Coombs and Wilkinson

RESOLVED that the Panel delegate authority to the Service Lead – Infrastructure, Planning and Development subject to the conditions within the report and the amended condition as set out below.

Amended Condition

21. Code for Sustainable Homes – Affordable Only

Within 6 months of any part of dwellings 1 and 2 (Affordable Dwellings) shown on the approved drawings first becoming occupied, written documentary evidence proving that these dwellings have achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate certification body, shall be submitted to the Local Planning Authority for its approval.

Reason:

To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 21st August 2018 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	JF	CAP	5	18/01044/FUL 408 Portsmouth Road
6	JF	CAP	5	18/01085/FUL 14 The Broadway
7	AC	CAP	5	18/00974/FUL 56 Wilton Avenue
8	PM/AA	CAP	5	18/00760/FUL 17 Bassett Green Close

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:

AG – Andy Gregory

JF – John Fanning

AC – Anna Coombes

PM – Peter Morgan

AA – Andy Amery

Southampton City Council - Planning and Rights of Way Panel

Report of Planning & Development Manager

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) Local Transport Plan 2006 – 2011 (June 2006)
 - (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 (1997)
- (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 (2012)
- (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) Southampton C.C. - Cycling Plan (June 2000)
- (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) DETR Traffic Advisory Leaflets (various)

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (July 2018)
- (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)

Agenda Item 5

Planning and Rights of Way Panel 21/08/2018 Planning Application Report of the Service Lead – Infrastructure, Planning and Development

Application address: 408 Portsmouth Road			
Proposed development: Change of use to a hot food takeaway (Class A5) and installation of an extraction flue (resubmission of planning permission ref: 18/00065/FUL).			
Application number	18/01044/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	03.08.2018	Ward	Sholing
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Sholing
Referred to Panel by:	N/A	Reason:	N/A

Applicant: Mr Ozel Ozdemir	Agent: Gokdesign
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	N/A
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Reason for granting 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 39 – 42 and 46 of the National Planning Policy Framework (2018).

Policies - SDP1, SDP5, SDP7, SDP9, SDP16, REI7 of the City of Southampton Local Plan Review (Amended 2015); CS13, CS18 and CS19 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Site history

Recommendation in Full

Conditionally approve

1.0 The site and its context

1.1 The site is situated at the eastern end of a three storey building comprising five ground floor commercial premises with flats above. Access is gained from Portsmouth Road via Worcester Place. To the rear is a communal parking and service area, whilst to the site frontage is a narrow access road set back and separated from the main highway by a wide grass verge with tree planting. This access road also serves a terrace of four 2 storey houses immediately to the east and set back from site. The surrounding area is broadly residential, with the upper floors of the application site being residential.

2.0 Proposal

2.1 The application seeks permission to change the use of part of what is currently a larger, ground floor premises (with a lawful use as a 'youth drop in centre') to operate as a hot-food takeaway. The application includes associated alterations to the building including a new extract flue which would be positioned centrally and extending the full height of the eastern (side) elevation, in a similar manner to the existing flue located on the western side elevation of the building which serves and existing take-away use.

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 updated National Planning Policy Framework (NPPF) came into force on 24th July 2018 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 A recent application on the site for a similar proposal was refused in April 2018 under delegated powers (18/00065/FUL refers). The primary reason for refusal related to the visually prominent flue to the side of the building which had a purely functional appearance. The current application has amended the design and appearance of the flue to provide an enclosed system hidden within a brick cladding to match the existing in an effort to address this issue. This is a similar arrangement to that which exists on the west elevation. The principle of an additional hot food takeaway did not form a reason for refusal previously and this application, therefore, seeks to address the flue issue.

4.2 Historically, it is noted that two previous applications seeking change of use to hot food take away were refused on the site in 1993 based on concerns regarding intensification of commercial activity and impact on residential amenity. However, a similar application was subsequently allowed at appeal for the use of 402 Portsmouth Road as a takeaway in 1997 (960928/E). Notwithstanding these applications, a significant period of time has passed and the local and national planning policy context has changed significantly since these applications were considered so these applications will not be given significant weight in assessing the application. More details are provided at **Appendix 2**.

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 (22.06.18). At the time of writing the report **81 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2

- Impacts of noise/odour of neighbouring residential properties

Response: The Council's Environmental Health officer have recommended conditions to secure further specification details of the extract/ventilation equipment to ensure the amenities of nearby residents are protected.

5.3

- Other premises nearby address the need/harmful impact on sales of nearby premises

Response: National planning guidance indicates that matters of commercial competition should be left to the marketplace and planning decisions should not unduly interfere or influence this. It is up to the prospective occupier to consider the financial viability of the proposed development and the Council does not have a planning policy limiting the number of A5 uses in a given location.

5.4

- Additional refuse in street

Response: A planning condition is suggested to secure commercial waste details and litter bins for use by customers

- Late night use will result in antisocial behaviour

Response: It is noted that the property is currently a commercial premises in a small row of commercial properties including an existing takeaway. These issues are discussed further in section 6 below.

5.5

- Impact on parking/highways safety from additional activity/deliveries

Response: It is noted that the property is currently a commercial premises in a small row of commercial properties including an existing takeaway. These issues are discussed further in section 6.

5.6

- Unclear what hours of use are proposed

Response: Agreed. There is a discrepancy in the applicant's submission. This issue is addressed in section 6 below and by condition.

Consultation Responses

5.6 **Environmental Health** – No objection subject to suitable conditions to control

extract and ventilation equipment and associated noise. No objection to proposed hours.

6.0 Planning Consideration Key Issues

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

- i. Principle of Development
- ii. Impact on Amenity
- iii. Design

6.2 Principle of Development

6.2.1 The site is not allocated for a specific use in the Local Plan. The surrounding area is broadly residential in nature but the immediate context of the site is a small commercial frontage with a mix of uses (including one other takeaway). In the context of the commercial frontage, it is not considered that an additional takeaway would have a harmful impact on the wider character of the area and would bring the frontage back into more active use. It is not felt that the additional activity associated with bringing this premises back into use would be intrinsically harmful to the amenities of neighbouring occupiers. The principle of development was supported when the Council rejected application 18/00065/FUL for the same development on the same site.

6.3 Impact on Amenity

6.3.1 The applicant has not identified any parking capacity for the use. While it's difficult to quantify the exact trip generation associated with the existing use, it is noted that the property forms part of a commercial frontage with parking available along the access road to the site frontage specifically designed to serve the commercial units. Whilst a take-away will inevitably result in additional trip generation, parking and activity associated with such premises is very short stay. It is not envisaged that a takeaway would result in significantly higher overall trip generation than other potential commercial uses to which the frontage could be put.

6.3.2 There would be a potential for some increase in late night traffic given the later hours of use. There is some uncertainty in the submitted documents as the application form outlines hours of 12.30-23.30 Mon-Sat and 12.30-23.00 Sun, while the submitted design and access statement outlined 11.30-22.30 Mon-Sat and 11.30-22.00 Sun. The existing takeaway nearby has a terminal hour of 23.00. Given the relationship with neighbouring properties it is considered appropriate to limit the hours of operation to secure the residential environment for neighbouring occupiers but it is considered this can be achieved by a condition restricting the opening hours of the use to 23.00. **Following discussion with the applicant they have advised that they wish to seek consent for hours of operation of 12.30-23.00 (Mon-Sat) and 12.30-22.00 (Sun).**

6.4 Design

6.4.1 The Council's Environmental Health team have requested conditions to secure adequate soundproofing between floors of the building and details of the extract/ventilation equipment to ensure the impacts on residential occupiers are

mitigated.

- 6.4.2 The extract system itself runs up the side of the building and is positioned to the front in a prominent location when viewed from the adjoining house frontages. Given the prominent positioning of the building the flue element will be highly prominent both in the immediate and wider street scene. Whilst a functional flue, exposed on such a prominent flank wall has previously been found to be unacceptable, the current proposal, using a brick screen, similar to the extract equipment on the other side of the building, is considered to be a much more sympathetic and visually acceptable solution. Subject to a suitable condition to secure match materials it is considered this does not have a harmful impact on the overall appearance of the property or the wider area. The previous reason for refusal has now been addressed and the design can be supported.

7.0 Summary

- 7.1 The application proposes the conversion of a property to use as a takeaway. While there are a number of issues associated with the use it is considered that the key issues can be controlled and mitigated through the use of appropriate conditions.

8.0 Conclusion

- 8.1 For the reasons outlined above, the application is recommended for conditional approval.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1(a)(b)(c)(d), 2(b)(d), 4(vv), 6(a)(b)

JF for 21/8/18 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. Noise - plant and machinery (Pre-Commencement)

The use hereby approved shall not commence until until a written scheme for the control of noise, fumes and odours from extractor fans, flues, external plant and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings before the development first comes into occupation.

Reason: To protect the amenities of the occupiers of existing nearby properties.

03. Noise & Vibration (internal noise source) (Pre-Commencement)

The use hereby approved shall not commence until sound insulation measures against internally generated noise and vibration have been provided in accordance with a scheme

to be first submitted to and approved in writing by the Local Planning Authority. The measures shall be thereafter retained as approved.

Reason: To protect the amenities of the occupiers of existing nearby properties.

04. Materials to match (Performance Condition)

The materials and finishes to be used to screen the external flue shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of the brickwork of the existing building. The brickwork shall be erected prior to the first use of the flue and thereafter retained as agreed.

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.

05. 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.

06. Litter Bins

A litter bin for use by customers shall be provided within the takeaway hereby approved.

Reason:

In order to reduce the likelihood of a localised litter problem caused by this development.

07. Hours of Use (Performance)

The use hereby approved shall not operate outside the following hours:

Monday to Saturday - 12.30-23.00;

Sunday and recognised Public Holidays- 12.30-22.00.

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

08. 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
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP16	Noise
REI7	Food and Drink Uses (Classes A3, A4 and A5)

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2018)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

18/00065/FUL, Change of use to a hot food takeaway (class A5) and installation of extraction flue
Refused, 10.04.2018

REASON FOR REFUSAL - Out of character

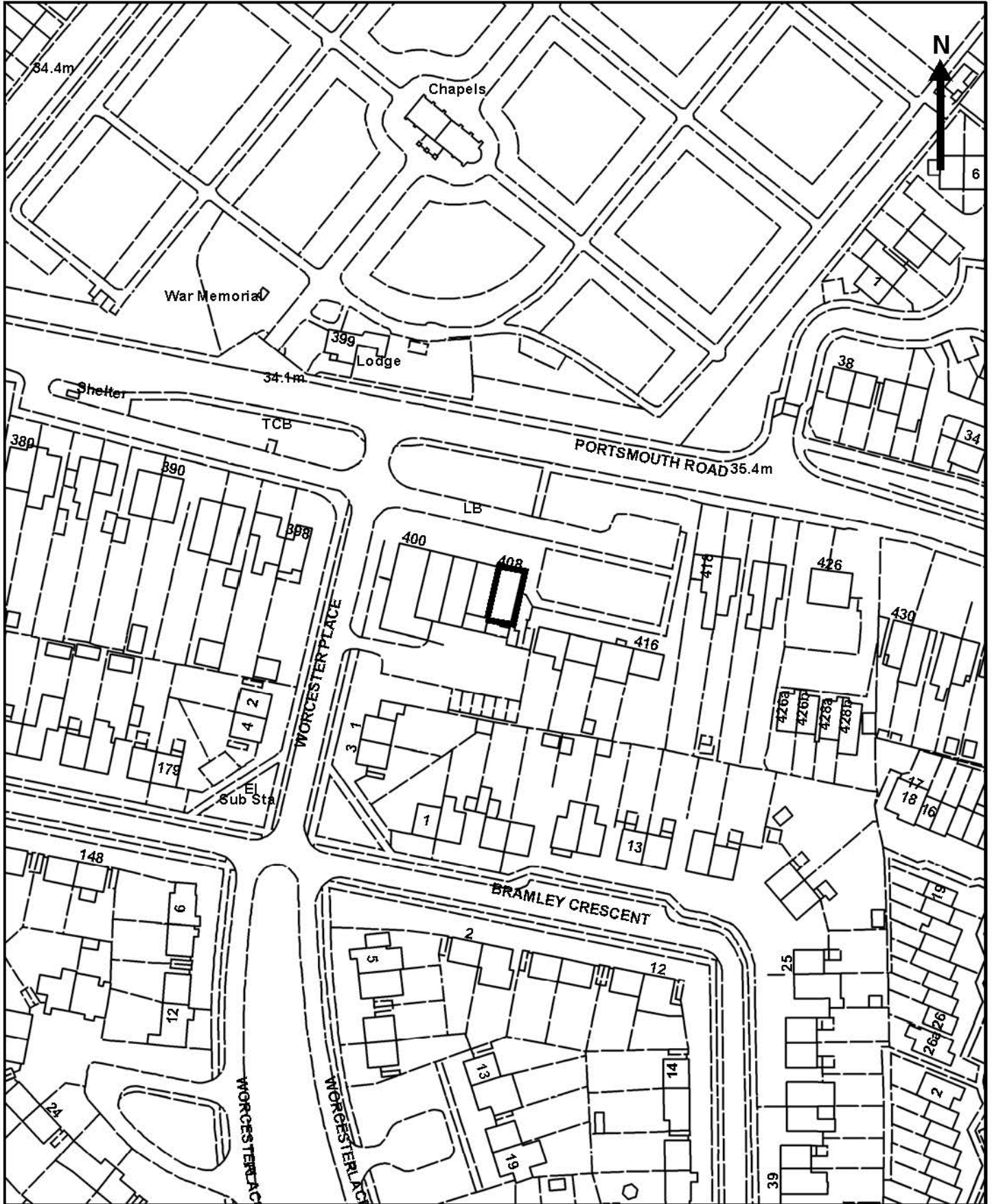
The appearance, style and prominence of the flue on the side elevation would be out of character and would be harmful to the appearance of the building within the street scene. As such the proposal will have an unacceptable impact on visual amenity contrary to saved policies SDP7(iii)(iv) and SDP9(i)(iv) of the City of Southampton Local Plan Review (2015) and policy CS13 of the Development Plan Document Core Strategy Local Development Framework (2015).

01/00551/FUL, Installation of roller shutters to the front elevation.
Conditionally Approved, 29.08.2001

01/00308/FUL, Change of use to youth drop in centre.
Conditionally Approved, 23.05.2001

930512/E, CHANGE OF USE TO HOT FOOD TAKEAWAY (CLASS A3)
Refused, 11.08.1993

921405/E, CHANGE OF USE TO HOT FOOD TAKEAWAY (CLASS A3)
Refused, 27.01.1993



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Planning and Rights of Way Panel 21/08/2018
Planning Application Report of the Service Lead – Infrastructure, Planning and Development

Application address: 14 The Broadway, Portswood Road, Southampton			
Proposed development: Application for variation of condition 4 (Hours of Operation) of planning permission ref: 18/00035/FUL to extend opening hours to 07:00 - 23:00 on any day			
Application number	18/01085/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	10.08.2018	Ward	Portswood
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Mitchell Cllr Claisse Cllr Savage
Referred to Panel by:	N/A	Reason:	N/A

Applicant: Mr Neil Davis	Agent: Advoco Planning Limited
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	N/A
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Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations 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, SDP9, SDP10, SDP16, CLT15, REI4, REI5, REI7 and REI8 of the City of Southampton Local Plan Review (Amended 2015), CS3, CS19 and CS24 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and the relevant sections of the Parking Standards Supplementary Planning Document (2011).

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 located at the junction of Portswood Road and Westridge Road in the heart of Portswood District Centre and comprises a 2 storey commercial premises which fronts Portswood Road. The ground floor was occupied (until late 2017) as a coffee shop but now has planning permission, following determination by the Planning Panel, to operate as a bar/public house.
- 1.2 The area surrounding the site comprises a diverse mix of commercial and residential uses predominantly comprising a mix of two and three storey properties. The district centre policies restrict the ground floor to commercial uses and encourage residential above. Beyond the district centre, Westridge Road to the east is residential in nature.

2.0 Proposal

- 2.1 Consent was recently granted on the site for the use of the premises as an A4 pub use. One of the conditions of this consent was that the opening hours of the property were restricted to 11:00 - 23:00 (Monday to Sunday).
- 2.2 The current application seeks to vary these hours to allow morning opening from 0700 - 2300. There is no request to extend late night hours and the premises are licensed to only sell alcohol from midday.
- 2.3 The applicant has provided the following justification for the proposed change:
- 2.4 *'The condition in question prevents the approved use from opening earlier in the morning and in so doing prevents it assuming a coffee shop type function alongside its approved micropub use. Commercially there are clear advantages in have 'coffee shop' trade before the micropub trading times and it should also be noted that the former use of the premises was as a coffee shop with no morning restrictions on opening. Furthermore, there is no question of alcoholic drinks being served in this morning trading period and that is precluded by the drinks license in any event.'*

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 updated National Planning Policy Framework (NPPF) came into force on 24th July 2018 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 The application is submitted to vary the conditions imposed on application 18/00035/FUL which granted consent for the use of the premises as a pub (Class A4) and other minor alterations to the building. More recently a separate application has been submitted for the use of the first floor as a 3-bed flat (18/01317/FUL – currently pending determination).

4.2 Full details of the relevant planning history are outlined in **Appendix 2**.

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 (29.06.2018). At the time of writing the report **7 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2

- Proposed hours would be excessive and be harmful to residential amenity of nearby occupiers. Longer hours would exacerbate ancillary impacts of development such as anti-social behaviour and rubbish

Response: There are no changes to the evening hours and the proposed changes to the morning from 11am to 7am is deemed reasonable for a District Centre

5.4

- Lack of parking associated with use

Response: The level of parking to support this use was previously accepted and the site sits in a defined District Centre with good access by all modes

5.5

- Would set a precedent for surrounding area

Response: Each application will continue to be assessed on its individual merits at the time of submission.

5.6

- Would lengthen potential delivery hours

Response: It is noted that condition 6 of the approved application required the submission of a servicing management plan to outline how the premises will be serviced. The Council retains control of the ability to manage servicing hours as necessary and this wouldn't be changed by this application. It is not uncommon for deliveries to the District Centre to occur in the morning in any event.

Consultation Responses

5.7 **Environmental Health** - Environmental Health has no objections to this proposal, but would recommend that the permitted hours for sale of alcohol are not altered.

6.0 Planning Consideration Key Issues

6.1 The key issue for consideration in this case is the impact of the additional trading hours on local amenity.

6.2 The application proposes the extension of the existing opening hours for the A4 pub use from 1100-2300 to 0700-2300 (7 days per week). In a statement submitted with their application, as set out above, the applicant has identified that their intent is to operate the premises as a 'coffee shop' style use in the mornings

before transitioning into a more typical A4 premises as the day progresses. This is typical of many modern premises of this nature which cater for different types of clientele throughout the day and evening as part of their business model.

- 6.3 It is noted that a separate alcohol licence (outside of the planning process) limits the hours during which alcohol can be served on the premises and, with reference to the comments of the Environmental Health team in section 5.7 of this report, they would not support changing these hours.
- 6.4 The main impacts associated with the earlier opening would be related to the potential additional activity associated with the premises in the earlier hours. The previous coffee shop on the premises appeared to operate a similar early opening though that benefited from a historic use which would not have been restricted by condition.
- 6.5 The property forms part of the main Portswood District Centre frontage and is situated on a key corner location entering into the residential area to the east. Taking into account the relationship between the property and surrounding commercial and residential premises, it is not considered that the earlier opening hours would represent a significant departure from the existing activity and context of the site and its surroundings.
- 6.6 The proposed hours are not considered unreasonable for the general sale of food and drink within the district centre. The proposed change will add to the vitality of the Centre and is supported by Local Plan Review Policy REI7. Servicing and other associated issues are already controlled by condition.

7.0 Summary

- 7.1 The application proposes opening earlier in the morning. Taking into account the location within the defined district centre it is considered that the proposed hours of operation would be appropriate for the proposed use.

8.0 Conclusion

- 8.1 For the reasons laid out above the application is recommended for conditional approval.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1(a)(b)(c)(d), 2(b)(d), 4(f)(vv), 6(a)(b)

JF for 21/08/18 PROW Panel

PLANNING CONDITIONS

1. APPROVAL CONDITION - Full Permission Timing Condition - Change of use
The use hereby permitted shall begin not later than 4th June 2021.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990(as amended) and to ensure compliance with permission 18/00035/FUL

2. APPROVAL CONDITION - 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.

3. APPROVAL CONDITION - Control of Amplified Equipment [Performance Condition]

At no time shall sound amplifying equipment or acoustic instruments be used or installed which would generate noise audible from the boundary of the nearest residential property to the building to which the consent hereby granted relates unless otherwise agreed in writing with local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby residential properties.

4. APPROVAL CONDITION - Hours of Operation [VARIED BY THIS PERMISSION]

The A4 'drinking establishment' to which this permission relates shall only operate in accordance with the following hours:

- **Customers will only be permitted on the premises between the hours of 07:00 - 23:00 on any day.**

Reason: To protect the amenities of the occupiers of nearby residential properties.

5. APPROVAL CONDITION - CCTV system [Pre-Occupation condition]

Before the first occupation of the development details of a scheme for a CCTV system to cover the inside and outside areas of the establishment shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be fully installed and operational prior to the approved use of the development first commencing. It shall be maintained in working order and operated at all times when the premises is open.

Recorded images shall be held for a 1 month period after being made on a daily basis for use by the Police as required.

Reason: In the interests of crime reduction and customer/staff safety.

6. APPROVAL CONDITION - Servicing [Pre-Occupation Condition]

Prior to the commencement of the development hereby approved a servicing management plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be carried out in full accordance with the approved servicing management plan.

Reason: To protect the amenities and privacy of occupiers of the adjoining properties, to protect the highway surface and in the interests of highways safety.

7. APPROVAL CONDITION - Glass Storage [Performance Condition]

Except for on bin collection day no storage of glass (for recycling purposes) shall take place outside of the building. Glass collection shall also not take place between the hours of 20:00 and 9:00.

Reason: To protect the amenities of occupiers of the adjoining property.

8. APPROVAL CONDITION - Ancillary Snack Foods [Performance Condition]

The development hereby approved shall only serve snack foods as an ancillary service to the drinking establishment. The food may be heated via a domestic scale oven only and all food must be for consumption on the premises. The food must not be prepared, cooked or fried on site and the kitchen must not be installed with any equipment requiring ventilation unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of neighbours and the wider environment.

9. APPROVAL CONDITION – Refuse management [Pre-Occupation Condition]
Prior to the commencement of the development hereby approved a litter management plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be carried out in full accordance with the approved litter management plan.
Reason: To protect the amenity of the local area.

10. APPROVAL CONDITION - Internal drinks consumption/use of tables and chairs -
At no time shall drinks bought on the premises be taken outside for consumption and at no time shall tables and chairs be placed on the public highway associated with the permission hereby granted.
Reason: To protect the amenities of the occupiers of nearby residential properties, the appearance and accessibility of the area; and to prevent drinking alcohol on Portwood High Street.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS3	Promoting Successful Places
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS24	Access to Jobs

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP16	Noise
SDP17	Lighting
CLT15	Night Time Uses in Town, District and Local Centres
REI4	Secondary Retail Frontages
REI5	District Centres
REI7	Food and Drink Uses (Classes A3, A4 and A5)
REI8	Shopfronts

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2018)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

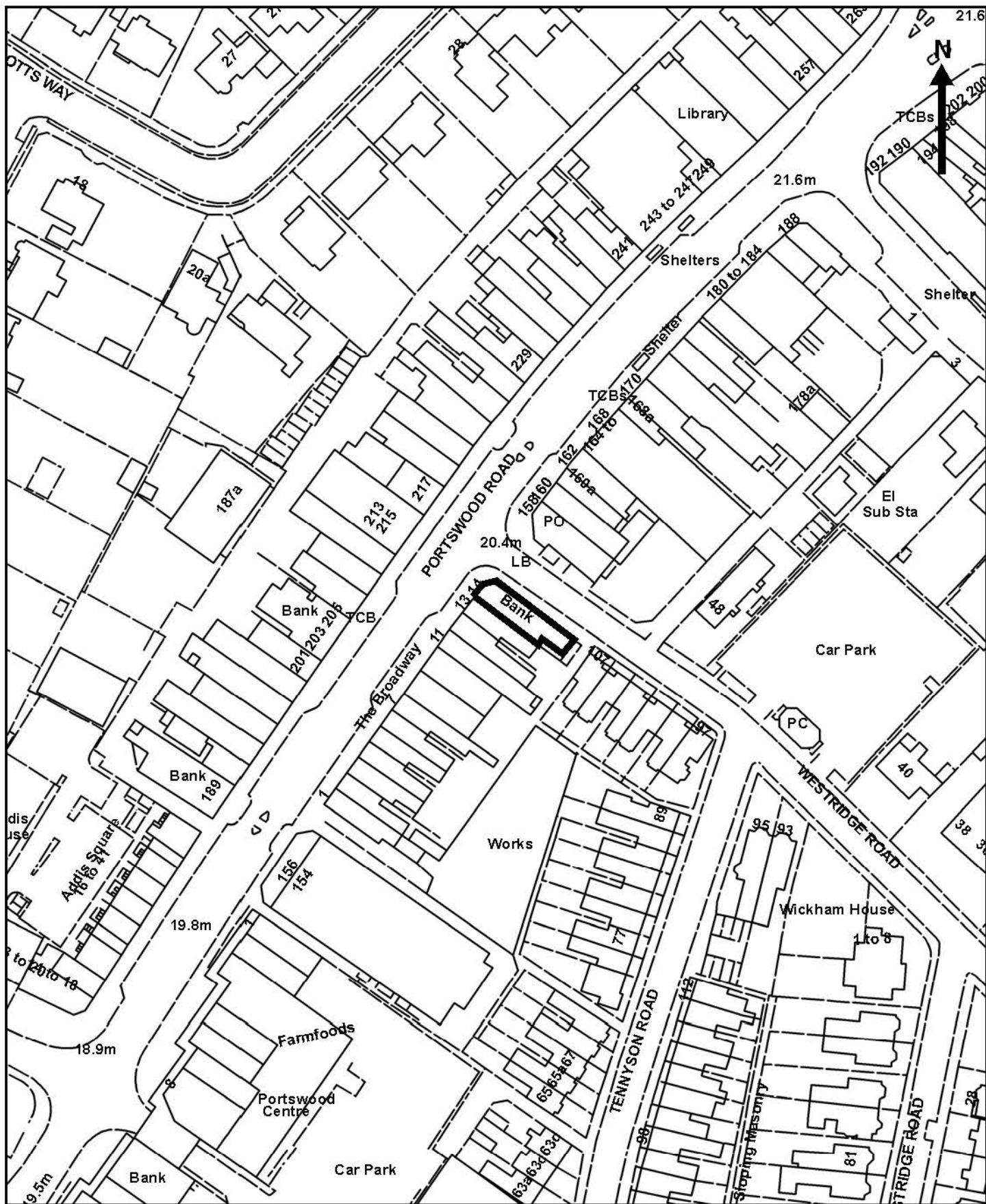
18/01317/FUL, Conversion of first floor into a 3-bed flat
Pending

18/00036/ADV, Installation of 1 x externally illuminated hanging sign, 5 non illuminated awnings and 7 non illuminated window vinyls - submitted in conjunction with 18/00035/FUL
Conditionally Approved, 27.04.2018

18/00035/FUL, Proposed change of use of the ground floor from coffee shop (A1 use) to drinking establishment (micro pub)(Class A4) and installation of 6 retractable awnings - submitted in conjunction with 18/00036/ADV
Conditionally Approved, 04.06.2018

Agenda Item 6 18/01085/FUL

Appendix 1



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Agenda Item 7

Planning and Rights of Way Panel 21st August 2018 Planning Application Report of the Service Lead – Infrastructure, Planning & Development

Application address: 56 Wilton Avenue, Southampton			
Proposed development: Change of use from a dwelling house (Class C3) to a house in multiple occupation (HMO, Class C4) for up to 3 persons (no external changes) (retrospective) (Resubmission of 17/02464/FUL).			
Application number	18/00974/FUL	Application type	FUL
Case officer	Anna Coombes	Public speaking time	5 minutes
Last date for determination:	28/08/2018 (Extension of Time)	Ward	Bargate
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Bogle Cllr Noon Cllr Paffey
Referred to Panel by:	N/A	Reason:	N/A

Applicant: Dr E Fogg	Agent: Kingston Studio
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Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	N/A
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations 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 the development plan as required by 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 (2018).

Policies - SDP1, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (as amended 2015) and CS13 and CS16 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015) as supported by the revised HMO SPD (revised 2016).

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is a two-storey, semi-detached dwelling which has been subject to ongoing Enforcement investigation since June 2015 in relation to its use as an unauthorised 4 bed HMO since July 2014. The ground floor comprises a lounge at the front of the property, a bedroom in the middle, and a kitchen to the rear. At first floor there are 3 bedrooms and a communal bathroom. There is a small front garden, enclosed with a low wall, and a side access path leading to a modest rear garden.
- 1.2 The property is located on Wilton Avenue within a residential area characterised by a mix of semi-detached and terraced housing. There is a high concentration of HMOs in the locality, which is west of the Bedford Place/London Road commercial area. Wilton Avenue and the surrounding streets are covered by a residents' parking permit scheme (8am-6pm Monday to Friday) and, in some stretches of road, 2 hours maximum parking.

2.0 Proposal

- 2.1 Planning permission is sought to return the ground floor middle bedroom back to a dining room and to regularise the use of the property as a Class C4 House of Multiple Occupation (HMO) for up to 3 people. As per the HMO Supplementary Planning Document (HMO SPD), revised in 2016, a condition can be applied to allow swapping between a C3 single family dwelling and a C4 HMO use for a period of 10 years without the need for planning permission, with the use at the end of the 10 year period becoming the lawful use from that point onwards. This 'flexible' type of permission enables the owner to rent to both families and sharers without the need for further permission.
- 2.2 There are no external or internal structural changes to the layout of the property proposed, merely the conversion of the ground floor middle bedroom into a dining room.

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 then was recently revised on 24th July 2018, and replaces the previous set of national planning policy guidance notes and statements. The Council reviewed the Core Strategy when the NPPF first came in to force, 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.
- 3.3 Core Strategy CS16 and Saved Local Plan policy H4 are relevant to the

determination of planning applications relating to HMOs. Policy CS16 of the Core Strategy states that the contribution that the HMO makes to meeting housing need should be balanced against the impact on character and amenity of the area. Saved policy H4 of the Local Plan requires new HMOs to respect the amenities of neighbouring properties and the character of the area and to provide adequate private and useable amenity space.

- 3.4 The Houses in Multiple Occupation SPD (HMO SPD) was adopted in March 2012, and more recently revised in 2016, and provides supplementary planning guidance for policies H4 and CS16 in terms of assessing the impact of HMOs on the character and amenity and mix and balance of households of the local area. The revised SPD (2016) sets a city-wide maximum threshold of 10% for the total number of HMOs within a 40m radius from the front door of the application site, or the 10 nearest residential properties (section 6.5 of the HMO SPD refers). This SPD also details the approach to be taken in exceptional circumstances, where a significant level of HMO saturation has already occurred in a street, which in turn negatively impacts the market demand for C3 family housing in that location. The threshold set for assessing when exceptional circumstances can be considered is 80% (i.e. at least 80% of dwellings within the 40m radius are already in operation as HMO properties). The Panel will recall that before this change the Council's policy was that only the last 1 or 2 properties in an area defined exclusively as HMOs would be allowed to convert to an HMO. This was considered to be an unreasonable position for those owners of C3 dwellings living within areas dominated by HMOs who were unable to sell.

4.0 Relevant Planning History

- 4.1 A detailed planning history of the application site is set out at **Appendix 2**. The first planning application for this property was in 2012, under application reference 12/01859/FUL, where planning permission was refused for change of use of the property from a C3 dwelling to a 5 bed HMO, on the grounds that the threshold for HMO saturation (set at 20%) within a 40m radius of the application site had already been breached.
- 4.2 An investigation was then opened in June 2015 by the Planning Enforcement team, when the Council were made aware of the property operating as an unauthorised HMO, despite the planning refusal.
- 4.3 As a result of the investigation by the Planning Enforcement team, two applications for planning permission were then submitted simultaneously in July 2015; one for a change of use to a 4 bed HMO (15/01491/FUL) and one for a change of use to a 3 bed HMO (15/01492/FUL). Both were refused, again on the grounds that the threshold for HMO saturation (set at 20%) within a 40m radius of the application site had already been breached.
- 4.4 The application for a 3bed HMO (15/01492/FUL) was appealed and the appeal was subsequently dismissed in May 2016. The Council's HMO guidance has since changed in respect of the over-concentration and 'exceptional' circumstances position.
- 4.5 A new planning application was submitted for a change of use to a 3 bed HMO in November 2017 (ref: 17/02464/FUL). A new assessment of the 40m radius showed that the HMO concentration in the local area now met the threshold for

exceptional circumstances, as given in the revised HMO SPD (80%), however no marketing information was submitted to support a claim for exceptional circumstances and so the application was refused on this basis.

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 placing a site notice on 15/06/2018. At the time of writing the report **6 representations** have been received from surrounding residents, 1 of which is from a resident of a neighbouring ward. This includes an objection from Ward Cllr Noon. The following is a summary of the points raised:

5.2 **There are already too many HMOs in the area, the 10% threshold has been exceeded, to allow more would further unbalance the community.**

Response: It is acknowledged that there are a significant number of HMOs within this area of the city, and that the 10% threshold assessment detailed within the HMO SPD has already been exceeded in the 40m radius from the site. It is important to note, however, that the threshold for exceptional circumstances has now been reached (at least an 80% concentration of HMOs within the 40m radius area) and therefore exceptional circumstances can be considered for this site. This was not the case at the latest appeal for a similar development.

5.3 **This site has previously been refused permission for an HMO use.**

Response: At the time of previous refusals 12/01859/FUL, 15/01491/FUL and 15/01492/FUL, the exceptional circumstances threshold had not been met. At the time of the most recent refusal 17/02464/FUL, the exceptional circumstances threshold had been met, however no marketing evidence was submitted to support a claim for exceptional circumstances. Under the current application, the exceptional circumstances threshold has been met, and sufficient marketing evidence has now been submitted, in order to meet the requirements for exceptional circumstances.

5.4 **The proposal will result in the sandwiching of No.58 Wilton Avenue, with HMO uses either side.**

Response: HMO licencing records show that No.58 was also a licenced HMO on 30th June 2018. The available evidence therefore shows that sandwiching will not occur.

5.5 **Consultation Responses**

5.6 **Cllr Noon** – I wish to object to this application on the grounds that this application is similar to Application No: 17/02464/FUL, which was refused. Further HMOs in this part of the city is not in the best interest of the area.

5.7 **SCC Archaeology** – I do not require any archaeological conditions to be attached to the planning consent.

6.0 Planning Consideration Key Issues

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

- a) whether the proposed change of use from a C3 family dwelling to a C4 HMO is acceptable in principle;
- b) whether the proposed development would have a harmful impact on the character of the property and local area, the residential amenities of surrounding neighbours, or parking in the local area;
- c) whether the proposal would have a harmful impact upon the amenities of the occupants of the host dwelling.

6.2 Principle of Development

- 6.2.1 The existing property could easily be returned to use as a family dwelling at any time by way of a change of tenants, as the building structure and internal layout would remain unchanged from the previous use as a C3 family dwelling. The change from a C4 HMO use to a C3 dwelling would not require planning permission. The proposal does not, therefore, result in the net loss of a family home and the proposal would be in accordance with policy CS16 of the Core Strategy. The proposed development is also in accordance with saved policies H1 and H2 of the Local Plan which support the conversion of existing dwellings for further housing and require the efficient use of previously developed land. As confirmed by Core Strategy Policy CS16, the proposed HMO use meets a recognised housing need for single households or for those with lower incomes and is therefore, acceptable in principle.
- 6.2.2 Although the threshold assessment shows that the initial 10% HMO concentration has been breached within a 40m radius of the front door of the application site, this concentration has now met the 80% threshold at which claims for exceptional circumstances can be made, if it can be demonstrated that the property has been marketed as a C3 family dwelling for at least 6 months with no market interest (Section 4.5 of the HMO SPD (amended 2016) refers). Exceptional circumstances is effective for situations where the HMO concentration is very high and the retention of remaining C3 dwellings “will have little effect on the balance and mix of households in a community which is already over dominated by the proportion of existing HMO households. Therefore, the conversion of the remaining buildings to a HMO would not further harm the character of the area” (para 4.5.2 HMO SPD 2016).
- 6.2.3 The existing concentration of HMOs within a 40m radius of the application site is 81% (21 out of 26 eligible dwellings). As a result of this proposal, this concentration will rise to 85% (22 of 26 eligible dwellings). The exception circumstances threshold has, therefore been met and sufficient marketing evidence has been submitted covering a period of at least 6 months from 4th September 2017 to 21st March 2018. The evidence from the lettings agent demonstrates that the property was marketed as a C3 dwelling at a reasonable market rent compared to similar nearby properties, and that there was negligible interest from tenants who would meet the definition of a C3 single household.

6.3 Impact in terms of Character, Amenity and Parking

- 6.3.1 There are no structural changes proposed to the building and no changes to the external appearance of the property, so any impact on character and amenity would be as a result of changes in the intensity of use of the property. In this case the proposal is for a C4 HMO with 3 bedrooms, which would be a reduction from

the existing unauthorised 4 bedroom HMO use, which has been operating since 2014. In addition, the HMO SPD (revised 2016) also recognises that, once the local concentration of HMO properties reaches 80% or more, the local area is already dominated by HMO uses and an additional HMO use is not considered to significantly alter the mix and balance of households locally. As such, whilst there will be an impact, the proposal is not considered to present significant harm to the character of the property or local area or to the amenity of local residents.

6.3.2 In terms of parking, although there is no off street parking provided, the surrounding streets are restricted to either residents' permit parking only, or 2 hours maximum without a permit. Paragraph 5.2 of the HMO SPD states that where a property is within a residents' parking permit zone, occupants are entitled to apply for permits, however the number of permits available will be restricted in accordance with the local parking policy, which would control the number of cars associated with the dwelling. Furthermore the site is very close to local amenities within Bedford Place and London Road, and to the City Centre itself. As such, given there will also be a reduction in the number of bedrooms within the property from 4 to 3 as a result of the proposal, it is not considered that there would be a harmful impact on the levels of parking available in the local area.

6.4 Quality of the Residential Environment

6.4.1 Saved policy H4 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for conversions to houses in multiple occupation where: (i) it would not be detrimental to the amenities of the residents of adjacent or nearby properties; and (iii) adequate amenity space is provided which (a) provides safe and convenient access from all units; (b) is not overshadowed or overlooked especially from public areas; and (c) enables sitting out, waste storage and clothes drying'.

6.4.2 The proposal would retain ample communal living space on the ground floor with separate lounge, dining room and kitchen areas provided. A condition is recommended to secure retention of the communal living space. All habitable rooms would have suitable outlook from existing windows. Occupants of the property have access to a private garden that, whilst small, is typical of the properties in the area. Although alterations would be made to the internal layout (without physical changes), the retained first floor bedrooms would be of suitable size, therefore, the amenity of the occupants of the host dwelling shall not be harmed. In addition, conditions are recommended to secure details of the proposed provision of refuse and cycle storage facilities.

7.0 Summary

7.1 The proposal for the conversion of the property to a C4 HMO is considered to be acceptable in principle, as exceptional circumstances have been demonstrated in relation to the threshold test, and the proposal shall not cause unacceptable harm to neighbouring amenity or highway safety. In addition, the amenity of the occupants of the host dwelling would not be harmed.

8.0 Conclusion

Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(qq), 4(vv) 6(a) 6(b)

AC for 21/08/18 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance Condition)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. 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.

03. Refuse & Recycling (Pre-Commencement)

Prior to the first use of the building as an authorised C4 HMO for 3 people, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

04. Cycle storage facilities (Pre-Commencement Condition)

Prior to the first use of the building as an authorised C4 HMO for 3 people, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

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

05. C3/C4 dual use (Performance Condition)

The application property, No.56 Wilton Avenue, shall be operated as either a C4 (House in multiple occupation) for 3 persons, in accordance with the change of use hereby permitted, or a C3 single family dwelling for a limited period of 10 years only from the date of this Decision Notice (under Class V, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015). 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.

06. Retention of communal spaces and number of occupiers (Performance Condition)

The rooms labelled kitchen, dining and lounge on the proposed ground floor plan shall be made available for use by all of the occupants prior to first occupation of the property as a C4 HMO use, as hereby approved, and thereafter 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 3 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.

Note to Applicant

A HMO License is required in order to operate the property as a Class C4 HMO. The applicant is advised to contact the HMO licensing team for more information or to see the following link: www.southampton.gov.uk/housing/landlords/houses-multiple-occupation/

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (revised 2018)

Planning History

- 1 17/02464/FUL - Change of use from a dwelling house (Class C3) to a house in multiple occupation (HMO, Class C4) for up to 3 persons (no external changes) (Retrospective) – Refused 19.03.2018

REASON FOR REFUSAL - Harm to character and amenity

The proposed change of use of the property to an HMO for up to 3 unrelated people would result in an intensification of the number HMOs in the immediate vicinity of the application site (40 metres of the front door), in excess of the standards set out in the Council's adopted Houses in Multiple Occupation Supplementary Planning Document (revised March 2016). Although there is a high concentration of HMOs in the local area, the applicant has not been able to demonstrate that there are exceptional circumstances for this property to justify the further increase in HMOs within the area. An intensification of HMO uses would lead to a cumulative change to the character of the area, eroding the mix and balance of the local community, and exacerbating the impact on the amenities of the occupiers of nearby residential properties. The proposal would thereby prove contrary to policy CS16 (3.) of the Southampton Local Development Framework Core Strategy Development Plan Document (as amended 2015) as supported by the National Planning Policy Framework (paragraph 50), saved policies SDP1 (i) SDP7 (v) and H4 (i) (ii) of the adopted City of Southampton Local Plan Review (as amended 2015) and the adopted Houses in Multiple Occupation Supplementary Planning Document (revised March 2016).

- 2 15/01492/FUL – Change of use from a dwelling house (Class C3) to a house in multiple occupation (HMO, Class C4) for up to 3 persons (no external changes) – Refused 10.09.2015 and Appeal Dismissed 26.05.2016

REASON FOR REFUSAL - Harm to character and amenity

In the absence of any evidence to the contrary it is understood that on 23rd March 2012 when the Council's relevant Article 4 Direction became effective 56 Wilton Avenue was not occupied as a shared C4 HMO (House in Multiple Occupation) but as a C3 dwelling. As such, the proposed change of use of the property to an HMO for up to 3 unrelated people would result in an intensification of the number HMOs in the immediate vicinity of the application site (40 metres of the front door) in excess of the standards set out in the Council's adopted Houses in Multiple Occupation Supplementary Planning Document (March 2012). Although there is a high concentration of HMOs in the local area, the applicant has not been able to demonstrate that there are exceptional circumstances for this property to justify the further increase in HMOs within the area. An intensification of HMO uses would lead to a cumulative change to the character of the area and exacerbate the impact on the amenities of the occupiers of nearby residential properties. The proposal would also erode the mixed and balanced community within the area and would thereby prove contrary to policy CS16 (3.) of the Southampton Local Development Framework Core Strategy Development Plan Document (as amended 2015) as supported by the National Planning Policy Framework (paragraph 50), saved policies SDP1 (i) SDP7 (v) and H4 (i) (ii) of the adopted City of Southampton Local Plan Review (as amended 2015) and the adopted Houses in Multiple Occupation Supplementary Planning Document (March 2012).

- 3 15/01491/FUL - Change of use from a dwelling house (Class C3) to a house in multiple occupation (HMO, Class C4) for up to 4 persons (no external changes) – Refused 10.09.2015

REASON FOR REFUSAL - Harm to character and amenity

In the absence of any evidence to the contrary, it is understood that on 23rd March 2012, when the Council's relevant Article 4 Direction became effective, 56 Wilton Avenue was not occupied as a shared C4 HMO (House in Multiple Occupation) but as a C3 dwelling. As such, the proposed change of use of the property to an HMO for up to 3 unrelated people would result in an intensification of the number HMOs in the immediate vicinity of the application site (40 metres of the front door) in excess of the standards set out in the Council's adopted Houses in Multiple Occupation Supplementary Planning Document (March 2012).

Although there is a high concentration of HMOs in the local area, the applicant has not been able to demonstrate that there are exceptional circumstances for this property that would justify the further increase of HMOs in the area. An intensification of HMO uses would lead to a cumulative change to the character of the area and exacerbate the impact on the amenities of the occupiers of nearby residential properties. The proposal would also erode the mixed and balanced community within the area and would thereby prove contrary to policy CS16 (3.) of the Southampton Local Development Framework Core Strategy Development Plan Document (as amended 2015) as supported by the National Planning Policy Framework (paragraph 50), saved policies SDP1 (i) SDP7 (v) and H4 (i) (ii) of the adopted City of Southampton Local Plan Review (as amended 2015) and the adopted Houses in Multiple Occupation Supplementary Planning Document (March 2012).

- 4 12/01859/FUL - Change of use from a dwelling house (Class C3) to a house in multiple occupation (HMO, Class C4) for up to 5 persons (no external changes) - Refused 05.02.2013

Reason for Refusal - Harm to the character of the area

The proposed change of use to a Class C4 House in Multiple Occupation and the resulting concentration of HMO's in the immediate vicinity of the site (40 metre radius of the front door) would lead to the loss of a single dwelling and a cumulative change in the character of the area to the detriment of the amenities of the area whilst undermining the Council's approach of promoting 'mixed and balanced communities'. As such the proposal is contrary to Policies SDP1 (i), H4 (i) and (ii) of the saved City of Southampton Local Plan Review (March 2006) and Policy CS16 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Houses in Multiple Occupation Supplementary Planning Document (March 2012).

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Agenda Item 7 18/00974/FUL

Appendix 1



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Agenda Item 8

Planning and Rights of Way Panel 21/08/2018 Planning Application Report of the Service Lead – Infrastructure, Planning and Development

Application address: 17 Bassett Green Close, Southampton			
Proposed development: Erection of front porch, side extension and roof alterations including hip to gable and rear dormer to facilitate loft conversion.			
Application number	18/00760/FUL	Application type	Householder
Case officer	Peter Morgan	Public speaking time	5 minutes
Last date for determination:	21.06.2018 ETA – 31.07.2018	Ward	Bassett
Reason for Panel Referral:	five or more letters of objection have been received	Ward Councillors	Cllr Les Harris Cllr Beryl Harris Cllr John Hannides
Referred to Panel by:	N/A	Reason:	N/A

Applicant: - Mr Ghinn	Agent: - Chris McDermott – CMC design
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	N/A
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations 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. Policies - SDP1, SDP7, SDP9, HE1 and HE2 of the City of Southampton Local Plan Review (March 2015), and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2015) and the Bassett Neighbourhood Plan (2016)

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

1.1 This application relates to a detached bungalow fronting onto the southern side of

Bassett Green Close. The wider area is residential in character and comprises a variety of housing styles and types, although bungalows feature more prominently within this section of Bassett Green Close than other house types. The application dwelling features buff coloured brick, white fenestration and clay tiled roof, there is an integral garage on the western flank elevation and small porch to a side entrance on its eastern elevation. The property comprises a long rear garden that falls away sharply from the rear of the houses and abuts onto Bassett Wood. The application dwelling comprises a pyramidal roof with characteristic narrow ridge. The smaller garage and rear outshut comprise hipped roofs that tie into the main roof structure.

2.0 Proposal

2.1 The application proposal is seeking to alter the roof by increasing the length of the ridge to create a dual pitched roof with half hipped gable-ends, over the main house. The proposed development includes a large box dormer to the rear of the house and 3no roof lights at the front of the house. The hipped roof of the garage and rear single storey outshut are retained. Two existing chimneys would be removed.

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 replaced the previous set of national planning policy guidance notes and statements. The NPPF was replaced in July 2018. 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 1110/39 - Erection of bungalow and garage – (CAP) (03.06.1957)

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. At the time of writing the report **8 representations** have been received from surrounding residents and the North-East Bassett Residents Association. The following is a summary of the points raised:

5.3 ***The proposals would be out of character with neighbouring properties.***

5.4 Officer Response:

The application proposed involves increasing the length of the roof and it will appear as a dual-pitched roof with half gables at each end. The proposed change will alter significantly the appearance of the dwelling. However, there are other

dwellings nearby with similar appearance most notably 23 Bassett Green Close and properties on the northern side of the Bassett Green Close. With regards to the wider street scene context, there is no prevailing house design, particularly farther east along Bassett Green Close. The site does not fall within a conservation area, the dormer is located to the rear thereby respecting the established roof pattern in the street, and the proposed development retains the overall heights and proportions of the existing dwelling. Proposed materials of construction are acceptable. It is not considered that the proposed development adversely affects the character and appearance of the street.

5.5 ***The extensions would result in a loss of light and overshadowing to neighbouring properties***

5.6 Officer Response:

There are a two windows located within the gable end of no.15 and 19 Bassett Green Close. However, these are not considered to be primary windows servicing habitable rooms. The application proposal has been revised and now comprises the lengthening of the roof ridge to a lesser extent than the original scheme. It is not considered the application proposal would now result in overshadowing or a loss of light to a significant degree, mainly due to the orientation of the building with a southerly aspect meaning that the shadow will fall mainly to the front of the property.

5.7 ***The extensions would result in a loss of privacy***

5.8 Officer Response:

The creation of living accommodation within the roof space would provide a vantage for views overlooking rear neighbouring gardens. However, the dwellings along the south side of Bassett Green Close are already set on higher ground compared to their rear gardens. There is, therefore, some overlooking already afforded by virtue of the topography of the land. It would not be unusual for a degree of overlooking due to high level windows servicing bedrooms. It is not therefore considered that the application proposal would exacerbate overlooking to the detriment of neighbouring amenity.

5.9 ***The extensions would result in a loss of parking***

Officer Response:

The application involves the conversion of the existing garage to living accommodation. The existing garage is not useable for modern cars due to its insufficient width and depth. The application site comprises a front garden and driveway and it is considered that there is sufficient on-site parking to accommodate two vehicles in compliance with parking standards. In any case there are no road markings to prevent some on-street parking, and residential plots within Bassett Green Close, in the main, are characterised by the deep driveways allowing for off-road parking. Furthermore, there is no history of congestion within the Bassett Green Close or surrounding streets.

6.0 **Planning Consideration Key Issues**

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

- (i) the impact of the application proposal on the character and appearance of

the dwelling and its context the area and
(ii) the residential amenity of neighbours

6.2 Design

- 6.3 The application building comprises a pyramidal roof with characteristic narrow ridge. The smaller garage and rear outshut comprise hipped roofs which tie into the main roof structure. The application proposal involves increasing the length of the ridge to create a dual pitched roof with half hipped gable-ends. The proposed development includes a large box dormer to the rear of the house and 3no roof lights at the front of the house. The hipped roof of the garage and rear single storey outshut are retained. Two existing chimneys are removed.
- 6.4 The application proposal further includes a large open porch to the front entrance that features a dual-pitch roof supported by wooden posts with brick work around their bases. Other minor alterations include 2no smaller windows to replace an existing casement window, and rendering to the front elevation.
- 6.5 Whilst the general appearance and character of the dwelling would be altered significantly, it is not considered that the overall impact within the street scene would be harmful or detrimental to the character and appearance of the area. The overall heights of the dwelling is retained, albeit that the profile of the roof is altered. The lengthened line of the ridge is not untypical of other properties within the street scene and wider area, and generally proportions with respect to heights and size of the dwelling are unaltered and have not increased.
- 6.6 The proposed rear dormer is large and serves to extend the roof to create living accommodation. In terms of design, the continuous flat roof dormer is not stylistically ideal however, in terms of height and size and proportions it relates well to the roof and ensuing dwelling. It is set at a lower than the ridge height than the main roof and is set off the eaves and side edges to create a surrounding margin; it sits within the center of the roof and is subservient in appearance to the host. Furthermore, it serves to create useable internal living space. The proposed dormer is located at the back of the house and would not be apparent or visible from within the street scene, its length is limited to the main roof body and would not now include the extended roof incorporating the garage, as per the previous design. The Panel will note that rear dormers are often 'permitted development' when located to the rear.
- 6.7 Officers consider that the application proposal is consistent with the adopted Bassett Neighbourhood Plan (2016) which states that ...development proposals should be in keeping with the scale - massing and height of neighbouring buildings, and with the density and landscape features of the surrounding area (BAS 1 (2)). Policy BAS 4 requires that development '... take account of the existing character within the context of the street scene by, complimenting and enhancing the existing rhythm, proportion, height, scale, massing, materials, and storey height of its surroundings with regard to neighbouring properties and visual amenity'.
- 6.8 NPPF notes that the planning system should not attempt to impose architectural styles or tastes on new development, therefore remodelling and the modernisation of the existing dwelling within the context of the street scene character and appearance, is acceptable. The Residential Design Guide encourages design that

modernises perfunctory vernacular. Furthermore, it is important to note that there are dwellings with individual in design and style, and furthermore that it is this variety of house type within the street that is a notable important contextual characteristic.

- 6.9 The proposed development would therefore comply with policy CS13 of the Core Strategy, which states development should “respond positively and integrate with its local surroundings”, and Local Plan saved policies SDP1, which seeks “development which does not unacceptably affect the [...] amenity of the city and its citizens”; SDP7, which prevents “development which would cause material harm to the character and/or appearance of an area” and states development should “respect the scale, density and proportion of existing buildings” and “integrate into the local community”; and SDP9, which specifies that designs should be of a “high quality” and “respect their surroundings” in terms of “the impact on surrounding land uses and local amenity”. These policies are also supported by paragraph 2.4.2 of the Residential Design Guide SPD, which states “As with extensions, garages and parking areas should respect the scale, character and building materials of your house”.
- 6.10 In terms of scale, proportions and heights the application proposes no changes and is considered to be acceptable within the wider context of the character and appearance of the area. The proposed dwelling will sit well alongside its neighbours and more widely within the street scene given the variety of design and architectural styles within the area.
- 6.11 The proposed materials of construction would not match the existing dwelling completely. However, the proposed rendering is considered to be a suitable material and would be in-keeping within other dwellings within the area, where white panels are employed.
- 6.12 The application proposal is therefore, considered to be of an acceptable size, scale and design that would appear as an appropriate development within the street, and is further considered to be in line with Bassett Neighbourhood Plan and saved policies SDP1, SDP7 and SDP9 of the Local Plan Review (2015) CS13 of the Core Strategy and the Residential design Guide (2015).
- 6.13 Impact upon the neighbouring properties
- 6.14 Having regard to the size and siting of the proposed development, it is considered that there will be a very limited impact upon the neighbouring amenity and the proposal would not result in significant harm by way of loss of light, privacy, impact upon outlook and would not result in an overbearing impact.
- 6.15 The proposed development would retain 3 bedrooms and involves the conversion of the existing garage to residential accommodation. However, the driveway onto the application site is capable of accommodating 2no cars and, therefore, the proposed development would meet the maximum parking required as outlined existing parking standards.

7.0 Summary

- 7.1 In summary, the proposed extension is considered to be of an appropriate size, scale and siting and design and would not be detrimental to the character and

appearance of the existing dwelling, that of the surrounding area or neighbouring amenity. Having regards to the above it is considered the proposal accords with the design considerations of the adopted Bassett Neighbourhood Plan and policies SDP1, SDP7 and SDP9 of the Local Plan Review (2015). The recommendation is that planning permission be conditionally approved.

8.0 Conclusion

Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 6(a).

PGM for 21/08/18 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance Condition)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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 except for where alternatives are specified on the application form and approved plans.

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. Approved Plans (Performance Condition)

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

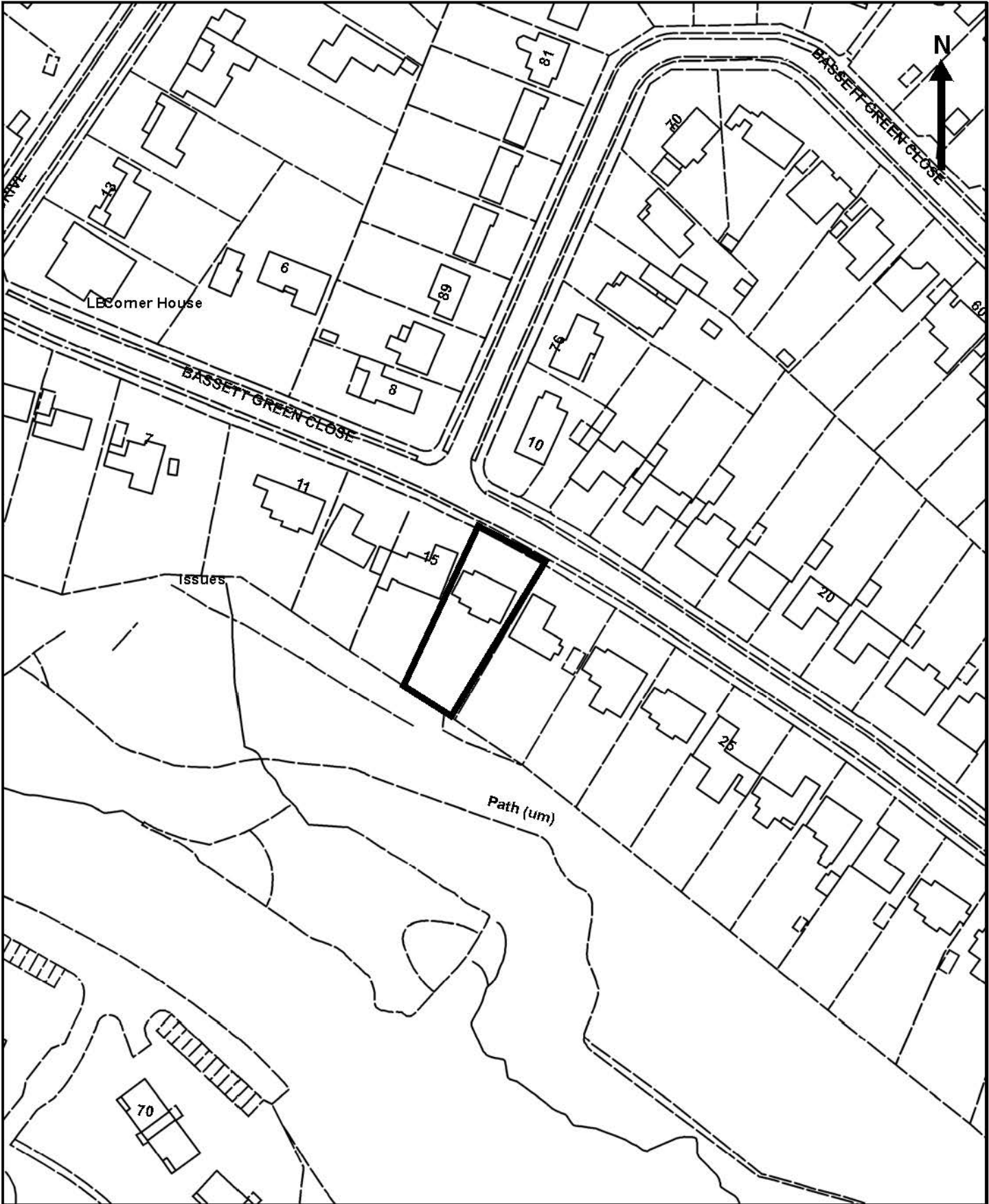
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)
Bassett Neighbourhood Plan (July 2016)

Other Relevant Guidance

The National Planning Policy Framework (2018)

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