

# Planning and Rights of Way Panel

Tuesday, 24th January,  
2023

at 4.00 pm

**PLEASE NOTE TIME OF MEETING**

Conference Room 3 and 4 - Civic  
Centre

This meeting is open to the public

## **Members**

Councillor Coombs (Chair)  
Councillor Savage (Vice-Chair)  
Councillor Blatchford  
Councillor Magee  
Councillor J Payne  
Councillor Prior  
Councillor Windle

## **Contacts**

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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.

### **Southampton: Corporate Plan 2020-2025** sets out the four key outcomes:

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

### **Dates of Meetings: Municipal Year 2022/2023**

<b>2022</b>	
24 May	20 September
21 June	11 October
12 July	1 November
2 August	22 November
23 August	13 December

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

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

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

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

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

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

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

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

<b>2023</b>	
24 January	18 April 29
21 February	
14 March	

## CONDUCT OF MEETING

### TERMS OF REFERENCE

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

### BUSINESS TO BE DISCUSSED

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

### RULES OF PROCEDURE

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

### QUORUM

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

## DISCLOSURE OF INTERESTS

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

### DISCLOSABLE PECUNIARY INTERESTS

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

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:  
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council, and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
  - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
  - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **OTHER INTERESTS**

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

## **PRINCIPLES OF DECISION MAKING**

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

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

In exercising discretion, the decision maker must:

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

## AGENDA

### **1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

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

### **2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

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

### **3 STATEMENT FROM THE CHAIR**

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

To approve and sign as a correct record the Minutes of the Planning and Rights of Way meetings held on 22<sup>nd</sup> November 2022 and 13<sup>th</sup> December 2022 and to deal with any matters arising.

## **CONSIDERATION OF PLANNING APPLICATIONS**

Please note: Agenda timings are indicative only and may be subject to change on the day of the meeting. Anyone with an interest in an agenda item is advised to join the meeting from the start.

### **5 PLANNING APPLICATION-22/01397/FUL 309-311 SHIRLEY ROAD, SOUTHAMPTON** (Pages 15 - 32)

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

### **6 22/01188/FUL 6 CROFTON CLOSE** (Pages 33 - 46)

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

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 22 NOVEMBER 2022

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Present: Councillors Coombs (Chair), Savage (Vice-Chair), Blatchford, Magee, J Payne, Prior and Windle ((Except for item 38))

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

**RESOLVED:** that the minutes for the Planning and Rights of Way meeting on 11<sup>th</sup> October 2022 be approved and signed as a correct record.

36. **THE MAKING OF THE SOUTHAMPTON (VICTOR COURT) TREE PRESERVATION ORDER 2022**

The Panel considered the report of the Head of City Services recommending confirmation of the Southampton (Victor Court) Tree Preservation Order 2022.

Upon being put to the vote the officer's recommendation was carried unanimously.

**RESOLVED** that the Panel confirmed the Southampton (Victor Court) Tree Preservation Order 2022.

37. **PLANNING APPLICATION- 22/00953/FUL FRIARY HOUSE, BRITON STREET**

The Panel considered the report of the Head of Green City & Infrastructure recommending that authority be delegated to the Head of Green City & Infrastructure to grant planning permission subject to criteria listed in the report.

Erection of an 8-storey building containing 88 flats with associated infrastructure, landscaping and public realm works following demolition of Friary House.

Simon Reynier (City of Southampton Society), Ros Cassy, (Convener, Old Town Community Forum), Lily King, Maurice Fitzgerald (local residents/ objecting), and Tom Molyneux-Wright (Agent) were present and with the consent of the Chair, addressed the meeting. A statement received from local resident Donna Drozd was received, circulated and noted prior to the meeting.

The presenting officer read out Ward Councillor Noon's objection verbatim as it had been erroneously omitted from the report. The officer also reported that the Council was investigating the use of funding from the Community Infrastructure Levy to support GP services in the city centre. The officer explained that condition 5 (Contaminated Land) could be removed, following advice from the Contaminated Land team, that there was no significant risk and therefore a full land contamination risk assessment was unnecessary.

During discussion on the item, members raised the issue and officers agreed to amend their recommendation by the inclusion of an additional condition in respect of CCTV and the variation to conditions 22, 23 and 30 as set out in full below and the

requirement for the submission of shadow analysis and changes to the refuse and cycle storage access.

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

The Panel then considered the revised recommendation (2) to delegate authority to the Head of Green City & Infrastructure to grant planning permission and recommendation (3). Upon being put to the vote the recommendation was carried.

#### RECORDED VOTE

FOR: Councillors Coombs, Magee, J Payne, Prior, Windle.

AGAINST: Councillors Mrs Blatchford and Savage.

#### **RESOLVED:**

- (i) To confirm the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) To delegate authority to the Head of Green City & Infrastructure to grant planning permission subject to.
  - a. the submission of an acceptable microclimate study demonstrating that, having regard to the existing situation, the proposed building will not significantly harm the existing amenity of nearby residents, cyclists or pedestrians in terms of the microclimate and wind environment with delegation also offered to secure any suggested mitigation.
  - b. the planning conditions recommended at the end of the report, as amended below.
  - c. the completion of a S.106 Legal Agreement to secure:
    - i. Financial contributions and/or works through s.278 approvals 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 Developer Contributions SPD (April 2013).
    - ii. Affordable housing provision taking account of the current Development Plan and current independently assessed viability appraisal; with ongoing and fixed reviews taking into account vacant building credit.
    - iii. Submission of a highway condition survey (both prior to and following completion of the development) to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
    - iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives with financial contributions towards supporting these initiatives during both the construction and operational phases (as applicable), 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).

- v. 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).
- vi. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010; Page 42  
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- vii. Creation and retention of a 'permitted route' across the site frontage/eastern side to the Back of Walls and submission, approval, and implementation of a scheme of works for the off-site and on-site public realm and Town Walls Setting Improvement works, including (but not exhaustive):-
  - footway engineering specification to adoptable standard;
  - archaeological supervision;
  - protection/safe removal during demolition/construction and relocation of the Friary House murals if required off-site;
  - lighting;
  - commuted sum for public realm maintenance;
  - repair the historic wall adjacent to Gloucester Square car park to appropriate conservation standards;
  - display of interpretation boards for Friary House murals

in accordance with the Council's Old Town Development Strategy (November 2000), and the adopted SPD relating to 'Developer Contributions' (September 2013).

- d. the submission of an acceptable shading analysis demonstrating that the proposed building will not adversely impact the loss of sunlight currently enjoyed by the residents of the neighbouring buildings including Coopers Court. The shading analysis submitted will be shared with the Chair and Vice-Chair of the Planning & Rights of Way Panel for comment ahead of determining the acceptability of the loss of sunlight impact and additional shadow impact ahead of the application being determined.
  - e. the submission of either amended plans, where possible, showing direct internal access for residents to both the internal communal refuse and cycle stores or justification why such provision cannot be delivered.
- (iii) In the event that (i) the legal agreement is not completed and (ii) the required microclimate assessment impacts have not been submitted/agreed within a reasonable period following the Panel meeting, the Head of Green City & Infrastructure be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement and/or insufficient information received to satisfy saved Local Plan Policy SDP1(i). In the event that the microclimate study recommends significant changes to the proposed building's design the application will be brought back to the Planning & Rights of Way Panel for consideration.

## Amended Conditions

Condition 5 (Contaminated Land) – deleted

### 22. Communal and Amenity Space Access (Pre-Occupation)

Prior to the occupation of the development hereby approved, the details of a management plan and landscaped maintenance plan shall be submitted to and agreed in writing by the Local Planning Authority for the communal use of the roof terrace including permitted activities and hours of use for residents. Before the development hereby approved first comes into occupation, the communal and private external and internal amenity and resident's space and pedestrian access to it for all residents, shall be made available for use in accordance with the plans hereby approved and the approved roof terrace management plan. The amenity spaces and access, including the roof terrace, to them shall be thereafter retained for the use of the dwellings residents and their visitors flats for the lifetime of the development.

Reason: To ensure the provision of adequate amenity space in association with the approved dwellings flats.

### 23. Cycle Parking (Pre-Occupation)

Prior to occupation of the development hereby approved, a detailed plan shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the provision of long stay residents (88 spaces) including provision for electric cycle charging facilities and short stay visitors cycle parking (minimum 9 spaces) in accordance with the standards set out within the Council's Parking Standards Supplementary Planning Document (2011) unless otherwise agreed in writing by the Local Planning Authority. Once the quantum and location of cycle parking has been agreed in writing, the cycle provision shall be carried out in accordance with the approved details prior to first occupation of the approved buildings. Thereafter these cycle spaces and associated facilities shall be retained for the lifetime of the development.

Reason: To promote cycling as a sustainable mode of transport.

### 30. Water efficiency and rainwater recycling (Pre-Construction)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum maximum 100 Litres/Person/Day water use in the form of a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA. This should include the review the viability and feasibility of rainwater harvesting and greywater recycling. The appliances/ fittings to be installed as specified.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (Amended 2015).

## Additional Condition

CCTV system (Pre-Occupation)

Prior to the first occupation of the development hereby approved, details shall be submitted to and agreed in writing by the Local Planning Authority of a Closed Circuit Television (CCTV) system to be fitted within the development, with cameras deployed to provide images of the external spaces adjacent to ground floor flats/communal areas and building entrances including the cycle and refuse stores, with the installation of 360° mega pixel cameras together with a system that supports the use of these cameras. The approved CCTV system shall be fitted and made operational prior to the first occupation of the development and shall thereafter retained for the lifetime of the development.

Reason: In the interests of reducing the risk and fear of crime.

38. **PLANNING APPLICATION - 22/00347/FUL 21-35 ST DENY'S ROAD**

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

Demolition of former car showroom and outbuildings and the erection of two blocks comprising 35 apartments, with associated parking, access, and landscaping (Resubmission 21/00324/FUL).

Councillor Windle was taken ill and did not attend this item.

Katherine Barbour, Simon Reynier (City of Southampton Society) (local residents/objecting) and Richard Carr, Fortitudo (Agent), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the following updates: Paragraph 6.4.4 should have read 'Osborne Road South' instead of Osborne Road North'; and Paragraph 6.4.3 should have referred to '74 Belmont Road' not '47 Belmont Road'.

During discussion on the item, two motions to amend the recommendation by the inclusion of additional reasons for refusal in respect of the pedestrian entrances and accessibility, as set out in full below, was proposed and seconded. Upon being put to the vote, the amendments to the recommendation were carried.

The Panel then considered the recommendation to refuse planning permission. Upon being put to the vote the recommendation as amended was carried unanimously.

**RESOLVED** to refuse planning permission.

Reason for Refusal: Overdevelopment

- (i) The layout, scale, bulk and massing of the development would appear unduly dominant within the St Denys Road and Osborne Road South street scenes and would be out of keeping with the character and appearance of the area.
- (ii) The proposed layout and excessive level of site coverage (with buildings and hard surfacing exceeding 50% of the site) is symptomatic of a proposal that results in an overdevelopment of the site that is out of character with the established pattern of development within the vicinity.

- (iii) The layout of the buildings, due to the positioning of habitable windows on and close to neighbouring boundaries (74 Belmont Road) results in poor outlook that would adversely impact neighbouring occupiers.
- (i) Due to the absence of sufficient private and useable amenity space that is directly accessible by all occupants of the development, including those with a disability, the proposal fails to provide an acceptable residential environment for occupants of the development. This is particularly having regard to the two-bedroom units of the development which could provide accommodation for families with small children.

Additional reasons for refusal:

- (v) The location of the entrances to both blocks, given their distance from the road frontage, does not provide a safe nor convenient access for all users.
- (vi) Given the land level changes and the chosen design for block A, including the absence of a lift, the scheme fails to meet the day-to-day needs of all users to enable those occupiers and their visitors that are less mobile to access either the units nor the shared communal amenity terrace. As such the scheme does not provide full access and fails in its duties under the Equalities Act, as supported by the Development Plan detailed below.

Overall, the proposal would appear as an over-intensive form of development that would fail to add to the overall quality of the area or function well for its potential residents and would unacceptably affect the amenity of neighbouring residents. The development would be contrary to saved policies SDP1(i), SDP4, SDP6, SDP7 SDP9, SDP10, SDP11 and H7 of the City of Southampton Local Plan (2015) and saved policies CS5, CS13 and CS18 of the Local Development Framework Core Strategy (2015), sections 2, 3 and 4 of the Council's Residential Design Guide Supplementary Planning Document (September 2006) with particular reference to paragraphs 2.2.1 - 2.2.10, 2.6, 3.9.1 - 3.9.5, 3.10.24 -3.10.25, 4.4 - 4.4.4, 5.1.16 - 5.1.17, 5.2.12 and sections 8 and 10 and the relevant guidance contained within the National Planning Policy Framework 2021.

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 13 DECEMBER 2022

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Present: Councillors Coombs (Chair), Blatchford, M Bunday, Magee, J Payne, Prior and Shields.

Apologies: Councillors Savage and Windle.

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

It was noted that apologies had been received from Councillors Savage and Windle and that Councillors M Bunday and Shields be respectfully appointed as representatives for the purposes of the meeting.

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

The Panel noted that the minutes would be corrected to show that Councillors J Payne and Prior were present at the meeting on 1 November 2022.

41. **22/01063/FUL FORMER TENNIS COURTS, PORTSMOUTH ROAD**

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

Erection of 4x 3-bed semi-detached houses with associated parking and cycle/refuse storage (Departure from Local Plan).

Philip Dudley, Director, Vivid Design Studio (agent), and Councillor W Payne. (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an update to the recommendation, by way of an additional head of term in the S106 agreement to ensure that any damage to the adjacent highway network attributable to the build process be repaired by the developer.

During the course of the Panel discussion, it was agreed that an amendment would be added to the Performance Condition, in order to ensure that the submitted drainage scheme was maintained and retained for the lifetime of the development.

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

The Panel then considered the amended recommendation (2) to delegate authority to the Head of Transport and Planning to grant planning permission and recommendation (3). Upon being put to the vote the recommendation was carried unanimously.

**RESOLVED**

- (i) To confirm the Habitats Regulation Assessment set out in Appendix 1 of the report.
  - (ii) To delegate authority to the Head of Transport and Planning to grant planning permission subject to
    - a. the planning conditions recommended at the end of the report, as amended below.
    - b. the completion of a S.106 Legal Agreement to secure :
      - i. Public open space obligation to secure the submission of a management plan and retention of the open space proposed in line with Policy CS21 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
      - ii. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
      - iii. The additional head of term set out below.
- (iii) That the Head of Transport & Planning be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Transport & Planning be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

#### Changes to Recommendation

Additional head of term in the S106 agreement:

- iii Submission of a highway condition survey (both prior to and following completion of the development) to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

#### Amended Condition

##### 22. Surface / foul water drainage (Performance Condition)

The development hereby approved shall be undertaken in line with the submitted drainage plan, drawing number 35 received 07.11.2022. The approved scheme shall be maintained and retained for the lifetime of the development.

Reason: To ensure satisfactory drainage provision for the area.

#### 42. **21/01805/FUL 3 VOSPER ROAD, SOUTHAMPTON**

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

Change of use from Dwellinghouse (C3) to House of multiple occupancy (C4) (Retrospective).

Councillor Warwick Payne (ward councillor objecting) was present and, with the consent of the Chair, addressed the meeting.

The Panel then considered the recommendation to conditionally approve the application. Upon being put to the vote the recommendation was carried.

#### RECORDED VOTE

FOR: Councillors M Bunday, Coombs, Magee, J Payne, Prior, Shields.  
AGAINST: Councillor Mrs Blatchford.

**RESOLVED** that the application be conditionally approved subject to the conditions set out within the report.

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## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 24<sup>th</sup> January 2023

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
Start time: 4:05PM (approximately)				
5	AL	CAP	5	22/01397/FUL 309-311 Shirley Rd
Start time: 4:45PM (approximately)				
6	CM	CAP	5	22/01188/FUL 6 Crofton 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:

AL - Anna Lee

CM - Craig Morrison

## **Southampton City Council - Planning and Rights of Way Panel**

### **Report of Head of Transport & Planning**

#### **Local Government (Access to Information) Act 1985**

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

##### **Background Papers**

1. **Documents specifically related to the application**
  - (a) Application forms, plans, supporting documents, reports and covering letters
  - (b) Relevant planning history
  - (c) Response to consultation requests
  - (d) Representations made by interested parties
  
2. **Statutory Plans**
  - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
  - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
  - (c) Connected Southampton 2040 Transport Strategy (LTP4) adopted 2019.
  - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
  - (e) Adopted City Centre Action Plan (2015)
  - (f) Community Infrastructure Levy Charging Schedule (2013)
  - (g) Bassett Neighbourhood Plan (Adopted 2016)
  
3. **Statutory Plans in Preparation**
  
4. **Policies and Briefs published and adopted by Southampton City Council**
  - (a) Old Town Development Strategy (2004)
  - (b) Public Art Strategy
  - (c) North South Spine Strategy (2004)
  - (d) Southampton City Centre Development Design Guide (2004)
  - (e) Streetscape Manual (2005)
  - (f) Residential Design Guide (2006)
  - (g) Developer Contributions SPD (September 2013)
  - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
  - (i) Women in the Planned Environment (1994)
  - (j) Advertisement Control Brief and Strategy (1991)
  - (k) Biodiversity Action Plan (2009)
  - (l) Economic Development Strategy (1996)
  - (m) Test Lane (1984)

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

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

## 5. Documents relating to Highways and Traffic

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

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

6. Government Policy Planning Advice

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

7. Other Published Documents

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

**Planning and Rights of Way Panel 24<sup>th</sup> January 2023  
Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> 309-311 Shirley Road, Southampton SO15 3HW			
<b>Proposed development:</b> Conversion from Bingo Hall (Sui Generis Use) to Church (Use Class F1).			
<b>Application number:</b>	22/01397/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Anna Lee	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	31.01.2023 (ETA)	<b>Ward:</b>	Freemantle
<b>Reason for Panel Referral:</b>	Request by Ward Cllr	<b>Ward Councillors:</b>	Cllr Windle Cllr Shields Cllr Leggett
<b>Referred to Panel by:</b>	Cllr Shields	<b>Reason:</b>	Concerned about the impact on parking in the local area given existing parking pressures and the impact on the road junction at certain times of the day and evening
<b>Applicant:</b> Covenant Church		<b>Agent:</b> Knight Architectural Design	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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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 – CS3, CS7, CS13, CS14, CS18, CS19 and CS20 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP10, SDP13, SDP16, REI4 and REI5 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

## **Recommendation in Full**

### **Conditionally approve**

#### **1. The site and its context**

- 1.1 The application site is comprised of two parts, linked by the accessway known as Gypsy Grove. The front part of the site, 309-311 Shirley Road, is occupied by an attractive, large two-storey rendered building which was last used as a Bingo Hall and originally designed as a cinema. This part of the site lies on the corner with Shirley Road and Newlands Avenue. The second part of the application site is an associated car park for 24 vehicles, which lies to the rear of 321-323 Shirley Road which can be either accessed by either Newlands Avenue or Shirley Road via Gypsy Grove.
- 1.2 The whole site lies within the designated Shirley Town centre, and the car park lies within the secondary shopping frontage. Disabled parking spaces are located both at the front of the building and to the side of the building and this is not proposed to change. The buildings are not listed and do not sit within a designated conservation area.

#### **2. Proposal**

- 2.1 The application seeks to convert the existing Bingo Hall into a church. This follows a recent refusal to demolish the building and replace with a commercial unit and 9 dwellings (20/01356/OUT refers).
- 2.2 Currently the applicant, the Covenant Church, hold their primary meetings on Sundays at 9.30am and 11.30am. On a Wednesday there is a 7pm meeting, and on Fridays a further 6.30pm service.
- 2.3 Other smaller daytime and evening children & youth meetings also take place. The rest of the week, a smaller number of people (including 3 staff members for office use and few volunteers) would use the premises for weekly Bible study and prayer meetings and community uses such as:
- parent and toddler groups;
  - smaller meetings such as counselling and youth training and;
  - a food bank.
- 2.4 Many of the weekday uses will take place after 6pm. The church will use the allocated parking to the rear (24 spaces) and the two disabled parking spaces on the frontage together. In addition, the existing landscaped planters to the side of the building fronting Newlands Road, will be replanted.
- 2.5 No external changes are proposed although the reopening of blocked windows and the boxing-in of grilles is proposed. Internally the main hall will be used for

the services, so the internal layout is not going to change.

### **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 The application site is located within Shirley Town Centre and policy CS3 of the Core Strategy supports the provision and retention of community facilities such as that proposed.

### **4. Relevant Planning History**

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.
- 4.2 None of the Planning history is directly relevant to this application, bar the initial temporary conversion to a Bingo Hall in 1975 (planning permission number 1492/W9) which was subsequently given full consent in 1981 under planning permission 1604/W9. This permission including the following restrictions:
- Afternoon sessions shall be limited to between 1:30pm and 4:15pm;
  - Evening sessions shall be limited to between 6:30pm and 10:30pm;
  - The number of players shall be limited to 225;
  - The rear parking area shall be retained for the bingo use.

### **5. Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice **21.10.2022**. At the time of writing the report **30 representations** have been received from surrounding residents. At the time of writing 2 objections (one from Janson Road Residents Group), 2 representations and 26 letters of support (including a petition with 82 signatories) have been received. The following is a summary of the points raised:

Objection/Representation responses

5.2 *Insufficient parking as only 26 parking spaces are provided. This area already has a problem with parking, vehicles regularly park on the paths and blocking driveways. The proposal would exacerbate existing issues and local residents will not be able to park near their own homes.*

**Response**

The application lies within an accessible location which is well-served by public transport with good access for pedestrians and cyclists. No objection is raised to the use being served by 24 parking spaces given the previous use of the site and the sustainable location.

5.3 *Concerned about the impact this will have on local traffic*

**Response**

The Highways team have raised no objection to the use of the building. It is important to note the busiest uses are only on one day a week for a very limited time. Given the busy town centre nature of the site, the established use as a bingo hall with up to 225 patrons, the fact that not every patron will drive and the proposed community use on offer it is considered that the nature of the use is acceptable.

Support comments

5.4 *Sustainable location and would serve the local community*

**Response**

Agreed see section 6 below.

5.5 *Good use of the building and it would bring the building back into use*

**Response**

Agreed see section 6 below.

**Consultation Responses**

5.6 <b>Consultee</b>	<b>Comments</b>
SCC Highway Development Management	<p>No highways objection in principle to the change of use application. The difference in trip rates between a bingo hall (SG) and Church (F1) is unlikely to result in a material difference. The site is well located for access by public transport being on the high frequency bus corridor of Shirley Road.</p> <p>The proposed site plan shows a 24 space car park to the rear of the site, accessed via Gypsy Grove. With the space available and the need to keep rear access available to neighbouring properties, it is unlikely 24 vehicles can be accommodated in the space. Highway request a clearer site plan</p>



	<p>is submitted for the car park, showing clearly how each space is allocated, how much turning spaces is available to manoeuvre into and out the car park and how vehicles can access each space.</p> <p>The proposed spaces to the front and side of the site are not authorised with a dropped kerb access. The spaces to the front could only be accessed via Gypsy Grove but would then require turning movements over the public footway to manoeuvre in and of the spaces. This is not acceptable. The parallel space can be provided to the front, accessed via Gypsy Grove, to allow disabled parking space adjacent to the front public entrance. The other proposed spaces are not acceptable and the area should be clearly demarcated to prevent unauthorised parking which has a detrimental impact on the condition of the footway and clear pedestrian access to the main entrance. Plans that show a clearly demarcated disabled bay and additional planting and outside seating to screen off the front of the site would be supported.</p> <p>Likewise the proposed spaces to the side adjacent to Newlands Ave do not have authorised dropped kerb vehicle access and plans should show a clear demarcation to prevent unauthorised parking.</p> <p><b><i>Officer comment:</i></b> <i>Amended plans have been received that address the points raised above and the Highways Team have advised further.</i></p> <p><i>The frontage to the historic building will look much better without it being covered with parked vehicles. The car park layout now shows the access to the rear of properties 313 to 323 is maintained. No further highways objections to the proposals.</i></p>
<p>Historic Environment Officer</p>	<p><u>Background</u> The existing property is not a listed building nor is it within a conservation area, however, the property was the first purpose-built cinema in Southampton. It was built in the</p>

suburbs as plots in the city centre were at a premium and it was called 'The Atherley' after the local landowning family. The builder, William Dalton Buck had no experience of building a cinema, but it opened in 1912 and was a commercial success providing 650 seats. It was also the first cinema in the city to screen the first full length 'talkie' film in 1929, and it was the first to install Cinemascope and stereophonic sound in the 1950's [ref: *Dream Palaces: Going to the Pictures in Southampton*]. It is also one of the few period cinemas to have survived in-situ where most of its contemporaries were either damaged during the Second World War or have since been redeveloped.

Although it is acknowledged that the building has lost its canopy and original windows, it is a period building and contains a strong historical and social connection to the community in which it sits. Therefore, it could potentially meet the criteria for local listing, and at present it would be considered a non-designated heritage asset by the LPA.

#### Assessment and advice

On assessment, the proposed change of use would be an appropriate reuse for this large commercial building. The open auditorium of the interior would lend itself to congregational services whilst the existing rooms, the access arrangements, and the public facilities therein could easily be reused. Similarly, other than carrying out basic repairs and maintenance, no external changes are being proposed at this time. As such, the proposals would present this period building with a secure and viable reuse, which in turn would enable the building to serve the local community in which it sits once more. For these reasons, the proposals would be supported from a conservation perspective.

Notwithstanding the above, no imagery or written record of the interior has been submitted so it is unclear if any internal, or period features related to its original cinema

	<p>use have survived in-situ, especially in the ancillary and boiler rooms that flank the auditorium. Therefore, given that the building is identified as a non-designated heritage asset, it would not be considered unreasonable to request a full photographic record of the building be undertaken prior to its occupation to ensure that any surviving features of heritage interest would be recorded for posterity. Please apply the following recording conditions. The recording level will be set within the written scheme of investigation.</p> <p><i><b>Officer comment:</b> A photographic record has now been provided and the Historic Environment Officer has advised that the significance attached to the fabric is now quite clear and as no major physical changes are being proposed so the visual record no condition is now needed.</i></p>
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**6. Planning Consideration Key Issues**

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

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

6.2 Principle of Development

6.2.1 Until 2020, the building was used a bingo hall and the property has since been vacant. Bingo halls are Sui Generis in terms of its planning use, which means it does not neatly fall into a specified Use Class. Planning permission is required for conversion to and from a bingo hall. The proposed use of the building, as a church (Use Class F1 – Learning and non-residential institutions), allows the following;

- F1(a) Provision of education;
- F1(b) Display of works of art (otherwise than for sale or hire);
- F1(c) Museums;
- F1(d) Public libraries or public reading rooms;
- F1(e) Public hall or exhibition halls;
- F1(f) Public worship or religious instruction (or in connection with such use);
- F1(g) Law courts

6.2.2 The site lies with the Shirley Town centre but, due to the site's historic use for non-retail purposes, does not fall within designated retail frontage. The Local Plan and Core Strategy supports the provision of local services in these locations and the siting of community uses in, and near, designated retail centres. Furthermore, the viability and vitality of the town centre is key and bringing a large, vacant building back into active use would support this requirement. The continuation of the community use of the site is also supported by policy CS3 of the Core Strategy.

6.2.3 On the above basis, it is considered that the principle of the proposal to change the use of the site is supported by the adopted Development Plan as it would provide an appropriate alternative use of land and would meet identified development needs within the city. In terms of economic benefits, the church would also provide direct employment for staff and volunteers, which is a material benefit of the proposals as well as spinoffs to the local economy. Furthermore, the reuse of an existing building for services that '*develop, modernise and retain a benefit for the community*' is supported by paragraph 93d of the NPPF.

### 6.3 Design and effect on character and heritage

6.3.1 The application proposes minimal external changes to the building to facilitate its conversion. In terms of external alterations to the building itself the following changes are proposed:

- unblocking windows by removing screens and cladding; and
- blocking off large rear grilles.

6.3.2 The building is a non-designated heritage asset which has heritage significance meriting consideration in planning decisions, despite neither being Listed nor in a Conservation Area. Paragraph 203 of the NPPF states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

6.3.3 The retention and re-use of the building is welcome, and the limited external changes would ensure that the contribution the building currently makes to the street scene is retained. Furthermore, the layout of the building would easily convert into a church/community use and, as such, would address policy CS14 of the LDF Core Strategy which seeks to protect heritage assets within the city.

6.3.4 The proposed changes result in minimal material change to the appearance of the existing building, and would not result in harm to the character and appearance of the area. Details of the design of the parking at the front together with proposed landscaping are to be secured through a condition, with details to be agreed prior to first occupation of the site. Subject to compliance with this condition, the proposals are considered to be acceptable and would not result in adverse impacts on the character and visual amenities of the area.

## 6.4 Residential amenity

6.4.1 Given the limited external changes, the key issues in respect of the effects on local residents will be noise and disturbance generated by the use and its associated travel demands, particularly within a condensed period, as the congregation arrive and depart services. Whilst the hours of operation sought are 08:00 to 23:00 daily, the main church service would be between 09:00 and 13:00 on Sundays with activities outside this time being much less intensive in terms of comings and goings. A condition is suggested to restrict the use to a church only, preventing the change to other uses within Class F (listed above) without the need for planning permission, which could potentially use the site more intensively. A condition is also suggested to secure a scheme of soundproofing measures to limit noise disturbance to neighbouring properties from internal noise generated by the use. As such, given the location within a busy town centre and the previous use as a Bingo Hall overall the scale of activity is considered to be acceptable.

## 6.5 Parking highways and transport

6.5.1 The site lies within a defined area of 'High' accessibility for public transport and the Parking Standards Supplementary Planning Document sets out a requirement for a maximum of 54 car parking spaces to serve the development (1 per 10 fixed seats). The development provides 24 car parking spaces off Gypsy Grove. Having regard to the high-accessibility nature of the site and the availability of car parking within the Town Centre as a whole, the level of car parking is considered to be acceptable. A condition is suggested to ensure that none of the ancillary meeting room areas are converted into open hall space in the future to ensure that the demand for car parking does not increase in the future without further assessment by the Local Planning Authority. Furthermore, a condition is suggested to require a Travel Plan be produced in order to secure more sustainable modes of travel to and from the development. Overall, it is considered that since the proposal makes use of the existing building and car park, with no clear options for increasing on-site car parking, less than the maximum car parking standard is acceptable.

## 7. Summary and the Planning Balance

7.1 The change of use proposed is suitable for this town centre location and provides community use, which brings a large prominent building back into use without the need for major physical alterations. This will benefit the vitality of the Town Centre. Whilst less car parking than the maximum standard is provided, this needs to be balanced in terms of the physical constraints of the site and the benefits of retaining and re-using a valuable local landmark of heritage interest. The established use as a bingo hall would face the same issues, and this fallback would be material to the Planning Panel decision.

## 8. Conclusion

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

### Local Government (Access to Information) Act 1985

#### Documents used in the preparation of this report Background Papers

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

Anna Lee PROW Panel 24.01.2023

### PLANNING CONDITIONS

#### **01. Full Permission Timing (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. Restricted Use (Performance)**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, as amended, or in any other statutory instrument amending, revoking and re-enacting those Orders, the development hereby approved shall only be used for use as a place of worship and the ancillary uses set out in approved statement Rev A, and for no other purpose whatsoever (including any other purpose in Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order)

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity.

#### **03. Hours of use (Performance Condition)**

The use hereby approved shall only take place within the following hours;

08:00 - 23:00 (11.00pm) Monday – Sunday

Reason: To protect the nearby residential amenities.

#### **04. Landscaping and frontage parking detailed plan (Pre-Commencement)**

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping and parking scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- (i) proposed car parking layouts including details of hard surfacing materials (providing permeable surfacing where appropriate);
- (ii) planting plans; schedules trees/plants, noting species, tree/plant sizes and proposed numbers/planting densities where appropriate; and,
- (iii) a landscape management scheme.

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 shall be maintained and retained as approved for the lifetime of the development.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, 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.

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

#### **05. Refuse Management Plan (Pre-occupation)**

Before the development hereby approved first comes into use, details of refuse storage and a Refuse Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Refuse Management Plan shall provide details of a collection point for refuse and recycling and the movement of containers to and from the collection point on collection days. With the exception of collection days, the refuse and recycling containers shall be kept only within the approved storage areas. The development shall proceed only in accordance with the agreed details with refuse storage retained for the lifetime of the development.

Reason: To ensure the development functions well and in the interests of visual and residential amenity

#### **06. Travel Plan (Pre-Use)**

Before the use hereby approved first operates a staff and patron Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to reduce reliance on the private car and promote alternative modes (including car-sharing, public transport and arrival by foot/cycle/scooter) and include details of noticeboards and website changes to promote alternative travel modes to the private car, and an agreed monitoring period to allow for further assessment of the travel demands of the development to take place. The development shall operate in accordance with the agreed Travel Plan

Reason: To promote more sustainable modes of travels to the private car.

#### **07. Restriction of Seating/Open Hall Area (Performance)**

The main congregation area shall not be increased in size, for example through the amalgamation with adjoining support spaces, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that congregation growth does not generate undue parking stress, noise and disturbance in the surrounding area and to protect residential amenity.

**08. Soundproofing Measures (Pre-commencement)**

The use hereby approved shall not commence until sound insulation measures against internally generated noise has been provided in accordance with a scheme to be first agreed in writing by the Local Planning Authority. The measures shall thereafter be retained as approved.

Reason: In the interests of residential amenity.

**09. Removal of Original Fabric from interior of building (Performance)**

No original fabric shall be removed from the interior of the building unless first agreed in writing by the Local Planning Authority.

Reason: In order to retain the special historic character of the original building.

**10. Approved Plans (Performance)**

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

Reason: For the avoidance of doubt and in the interests of proper planning

**11. Cycle storage (Pre-commencement)**

Before the development hereby approved first comes into use, details of cycle storage shall be submitted to and agreed in writing by the Local Planning Authority. The development shall proceed only in accordance with the agreed details, with the cycle storage being installed ahead of first use and, thereafter retained as agreed.

Reason: To ensure the development functions well and in the interests of visual and residential amenity



**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS3	Promoting Successful Places
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety and security
SDP13	Resource Conservation
SDP16	Noise
REI4	Secondary Frontages
REI5	District Centre

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

**RELEVANT PLANNING HISTORY**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
20/01356/OUT	Redevelopment of the site comprising the erection of 9 dwelling houses (7x 3-bed terraced and 2x 2-bed semi-detached) and a commercial unit, with associated parking and cycle/refuse storage following partial demolition of existing buildings (Outline application seeking approval for Access, Appearance, Layout and Scale)	Application Refused	01.12.2020
931003/W	Change of use of 1st floor offices to accommodation for managerial staff	Conditionally Approved	13.12.1993
861571/W	Single storey rear and side extension	Conditionally Approved	17.09.1987
W05/1672	Erection of a single-storey extension to existing Bingo Hall, following the demolition of 2 Newlands Avenue and provision of a new access road from Newlands Avenue with increased parking facilities	Application Refused	04.06.1986
W15/1670	Front entrance canopy	Conditionally Approved	26.11.1985
1630/W22	Entrance porch and installation of additional windows to 1st floor side elevation	Conditionally Approved	03.05.1983
1624/W21	Change of use of balcony to offices and provision of entrance lobby and toilet (outline)	Conditionally Approved	01.02.1983
1619/W6	Use of 1st floor as snooker club with entrance and toilets on ground floor	Application Refused	09.11.1982
1612/W10	Use of 1st floor as snooker club with entrance and toilets on ground floor	Application Refused	16.03.1982
1604/W9	Continued use as Bingo & Social Club	Conditionally Approved	29.09.1981
1575/W5	Continued use for Bingo (temporary until 31-12-83)	Temporary Consent	28.10.1980
1551/W13	Use of ground floor for bingo without car parking	Application Refused	13.03.1979
1511/W31	Single storey extension at rear for toilets	Conditionally Approved	19.10.1976
1492/W9	Convert to Bingo on ground floor (temporary until 31-12-83)	Temporary Consent	03.06.1975
1070/63	Use as furniture shop (alt ref 1043)		13.09.1955

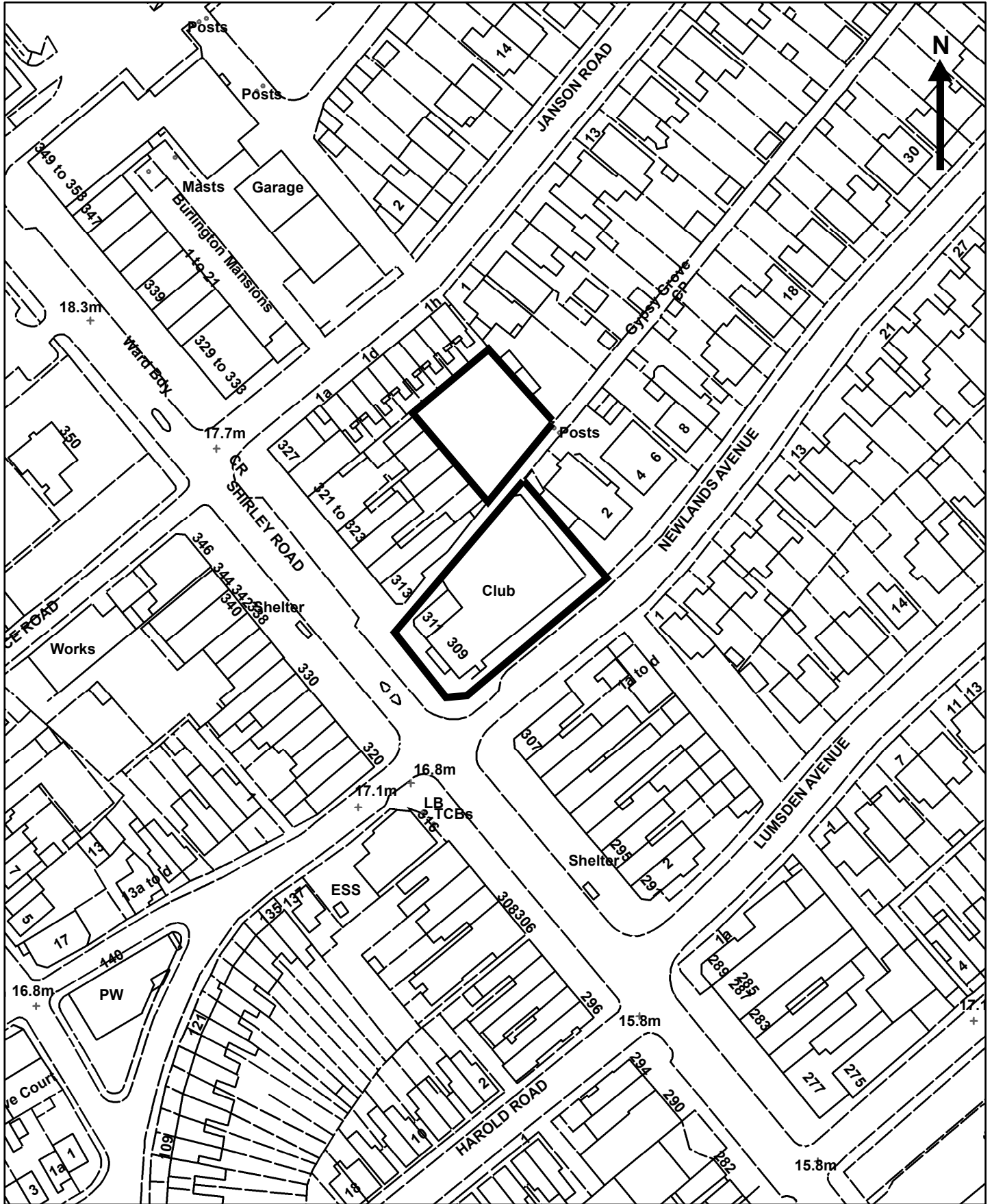


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# Agenda Item 5

# 22/01397/FUL

Appendix 1



Scale: 1:1,250

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**Planning and Rights of Way Panel 24<sup>th</sup> January 2023  
Planning Application Report of the Head of Planning and Transport**

<b>Application address:</b> 6 Crofton Close, Southampton			
<b>Proposed development:</b> Erection of a two storey and first floor side extension including loft conversion and provision of additional hardstanding.			
<b>Application number:</b>	22/01188/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Craig Morrison	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	17.10.2022 Extension of Time 27.01.2023	<b>Ward:</b>	Portswood
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Gordon Cooper Lisa Mitchell John Savage
<b>Applicant:</b> Mr & Dr R & E Hormozi & Jaberansary		<b>Agent:</b> GT Designz LTD	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not Applicable</b>
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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 39-42 and 46 of the National Planning Policy Framework (2021). Policies CS13 and CS20 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

**Recommendation in Full  
Conditionally approve**

**1. The site and its context**

1.1 The application site is located within Crofton Close, which is a development

constructed in the 1990s with an open plan design. Properties within Crofton Close are two storey with red and buff brick elevations and occasional white render and hanging tiles and concrete tiled roofs. The majority of properties have integral garages with some detached garages to the front of properties. Some of properties have rooflights which indicate they have had loft conversions.

- 1.2 Property frontages primarily include modest setbacks, and gardens are primarily laid to lawn with occasional areas of shrub and small tree planting as well as areas for parking for individual properties.
- 1.3 Mature trees that surround the development can be seen in gaps between properties where single storey elements such as detached garages punctuate the streetscene. This forms part of the character of the development.
- 1.4 6 Crofton Close is a two storey 4 bedroomed detached property with red brick elevations, a 2 storey rendered bay window and a single attached garage, which measures 2.3 metres by 5.4 metres. An area of hardstanding is available to the front of the property used for the parking of two vehicles.

## **2. Proposal**

- 2.1 The proposal is to extend the property to the side with a first floor extension above the existing garage, and a two storey extension behind the existing garage. To the front the roof takes a 'cat-slide- form and contains a dormer window; the front of which lines up with the front elevation of the house. The roof of the extension has a barn hipped design to match that of the existing house. The proposed extension has a ridge height of 7.9 metres (0.8 metres below the ridge height of the host dwelling at 8.7 metres).
- 2.2 It is further proposed to convert the existing roof space to form two bedrooms (thereby increasing the offer from 4 to 6). No extension to the roof is proposed; although three rooflights would be added to the front roof slope and three to the rear. The lowest part of the rooflight would be 2.3 metres above the eaves level of the roof, and the plans state that the rooflights will be a minimum of 1.7 metres above the internal finished floor level.
- 2.3 The proposed block plan shows an extended area of hardstanding measuring 9 metres in width and a minimum of 9.4 metres in depth from the shared access road. This would require the loss of a number of small conifer trees currently located in the front garden of the property. These conifers are not protected and can be removed without further approvals.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.



3.2 Saved Policy SDP1 (Quality of development) of the Local Plan Review seeks development that would not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, massing and appearance) of the Local Plan Review, and policy CS13 (Fundamentals of Design) of the Core Strategy, assesses the development against the principles of good design and seek development which respects the character and appearance of the local area. These policies are supplemented by design guidance and standards set out in the Residential Design Guide SPD, which seeks high quality housing, maintaining the character and amenity of the local area.

#### **4. Relevant Planning History**

4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.

4.2 The original planning consent for the development of the estate restricted the ability to extend the property utilising permitted development rights, however the works for the two storey extension would not be permitted development in any case so planning permission would always be required for such a proposal.

4.3 The original planning consent does not restrict the provision of additional areas of hardstanding (granted by Schedule 2, Part 1, Class F of the General Permitted Development Order).

#### **5. Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **15 representations** have been received from surrounding residents. 14 raised objection to the proposal and 1 is written in support. The following is a summary of the points raised:

##### *Comments Objecting*

5.2 ***The extension of the property could lead to it becoming a House in Multiple Occupation (HMO) in the future***

##### **Response**

These concerns are noted; particularly given the recent Planning history at both 5 and 6 Crofton Close. However, the application is submitted as a householder proposal and does not include a change of use within the description of works. Any permission granted would not allow for the proposal to change use from a C3 dwelling to a HMO. At the time of the case officer's visit the proposal appeared to be occupied as a family home. An informative can be added to the decision.

Any change of use to a HMO would require planning permission, and it is noted that the property is the subject of a dismissed Enforcement Appeal that found that the use of the property as a HMO would be out of character with the general area and would generate a greater requirement for car parking

**5.3 *The Owner has not paid Estate Management Charges***

**Response**

This is a civil matter between the Estate Management Company and the owner of the property, and is not a material consideration that can affect the outcome of this planning application.

**5.4 *The property requires maintenance and ivy on the inside of the chimney is a health and safety issue.***

**Response**

Whilst there is evidence of ivy growing on the chimney the property appeared to generally be in a reasonable standard of repair. Were the property to be in such a condition as to be causing harm to the character and amenity of the area Section 215 of the Town and Country Planning Act allows the authority to secure improvements to rectify the impacts. However, the condition of the property is not considered to meet the threshold of causing harm to the character or amenity of the area. In any case this is a not a matter that should delay the consideration of this application. The growth of ivy inside the chimney, and health and safety issues if it were to be used, is not a material consideration that is relevant to this decision.

**5.5 *The Proposal would lead to an increase in on-street parking***

**Response**

This is addressed further in this report however, in summary, the proposal meets the maximum parking standard for a property with more than 4 bedrooms, which is 3 spaces, such that it is not considered that a reason for refusal based on parking provision could be supported given that the scheme is supported by 1 garage, 2 existing off-street spaces and an additional space formed by extending the driveway (4 in total).

*Comments in Support*

**5.6 *Additional Parking is Providing to avoid further parking on the adjacent roads***

**Response**

A further area of car parking is proposed to allow for parking of 3 vehicles to the front of the property

**5.7 *The property is not used as a HMO property which it has been in the past.***

**Response**

At the time of the case officer's visit it did not appear that the property was in use as a HMO. A note to the applicant is added clarifying that a planning permission is required to convert the property to a HMO.

## **6.0 Planning Consideration Key Issues**

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

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

### **6.2 Principle of Development**

6.2.1 The principle of extending residential properties is acceptable provided that any works proposed respect the character of the area, would not have an unacceptable impact on neighbouring occupiers and would provide sufficient parking. Subject to detailed consideration of these matters the proposal to provide extended living accommodation is considered to be acceptable.

### **6.3 Design and effect on character**

6.3.1 Criterion 1 of saved Policy CS13 of the LDF Core Strategy, and saved Policy SDP9 of the Local Plan require development to respond positively and integrate with its local surroundings, character and architectural vernacular as well as utilising quality materials. The Residential Design Guide supports Policy CS13 with section 2 "Maintaining Residential Standards" providing guidance in relation to extensions to existing properties.

6.3.2 In relation to side extensions the key design considerations are to ensure that the extension is subordinate to the original dwelling, that the extension would not create a terracing effect and they would leave adequate garden space for general use, daylight and outlook.

6.3.3 From the front of the property the extension maintains the ground floor eaves of the property with a cat-slide roof and a dormer window. The overall ridge height of the extension is 80 centimetres lower than the roof of the original part of the house. Whilst the rear of the extension meets the eaves of the second floor of the house it is considered that the use of the cat-slide roof and dormer allows the extension to remain subservient and sympathetic to the original dwelling.

6.3.4 In relation to the houses either side of the application site (5 and 7 Crofton Close to the south and north respectively), the application property is set back from the front elevation of both adjacent properties, which would avoid any terracing effect within the street scene. In any case the use of the cat-slide

roof and dormer on the front elevation provides visual separation between the front elevations of 6 and 7 Crofton Close such that there is considered to be no creation of a terracing effect in the streetscene.

- 6.3.5 The roof pitch of the extension, as well as the window openings on both the front and rear elevations match those in the existing dwelling and a condition is recommended requiring the materials used in the walls and roof to match those in the existing property. The provision of roof lights on the front and rear roof slopes, while not common in Crofton Close, would be discreet and would not detrimentally impact the character of the existing dwelling or the role it plays in the character of the area.
- 6.3.6 An additional area of car parking will be provided to the south of the existing driveway to create an additional car parking space. The loss of some small conifer trees is considered acceptable and, subject to a condition requiring replacement landscaping, the small amount of additional hardstanding would not be out of character with those provided elsewhere in Crofton Close.
- 6.3.7 For the reasons set out above, the scale, form and design of the proposed extension is considered to be acceptable and would respond positively and integrate with the site's local surroundings, character and architectural vernacular.

#### 6.4 Residential amenity

- 6.4.1 Saved Policy SDP1(i) of the Local Plan Review seeks to protect the amenities of all residents; including those surrounding the site. The property is located to the south of 7 Crofton Close. There are 2 glazed doors on the ground floor and 2 windows on the first floor facing the application site, located adjacent to the first floor extension. From review of the planning history the doors on the ground floor appear to serve a utility room and a garage. On the first floor the two side facing windows serve bathrooms. It is acknowledged, and confirmed by the submitted daylight and sunlight analysis, that there would be some loss of daylight and sunlight to these windows. However as the rooms affected are not habitable rooms it is considered that the overall impact on the amenity of 7 Crofton Close is limited. For the same reasons it is not considered that the proposal would have an overbearing impact on the neighbouring properties.
- 6.4.2 The additional windows in the rear elevation would allow views into neighbouring gardens, and in the case of the rooflights in the converted loft space form a higher vantage point, however, given that mutual overlooking between first floor windows and neighbouring gardens is already characteristic of the area it is not considered that the additional windows or higher vantage point of views would be significantly detrimental to neighbours' enjoyment of their gardens. The property to the rear is the same house type as 7 Crofton Close so the windows facing towards the application site are a garage and utility room on the ground floor and two bathrooms on the first floor. The impact in terms of any light lost is likely to be limited and

the upper rooms are already obscure glazed thereby protecting the occupants from overlooking from the proposed extension. As such this application is considered to satisfy Policy SDP1(i).

## 6.5 Parking highways and transport

6.5.1 Policies CS19 of the Core Strategy and SDP9 of the Local Plan seek to avoid providing parking in excess of the maximum standards as set out in the Parking Standards SPD. The application site is located outside of the High Accessibility Area and therefore the maximum requirement for a property with 4 or more bedrooms is for 3 car parking spaces.

6.5.2 A previous appeal on this site for a HMO was dismissed in part due to the propensity for additional pressure on car parking on Crofton Close, which is unsuitable for on-street parking due to the narrow width of the carriageway. The Property is already a 4 bedroomed property which requires 3 car parking spaces. The proposal would increase the number of bedrooms to 6. Given that the property may house a larger or inter-generational family, and where previous appeals have confirmed that the local area is not well served by public transport, it is considered reasonable to require the maximum car parking standard to be adhered to where it is currently deficient. The proposed site plan shows an additional car parking space to be shown to the left of the existing spaces which is of sufficient width and depth accommodate 3 car parking spaces of 2.4m x 5.0m in size. A condition requiring the car parking space to be provided prior to first occupation of the extension or loft conversion is recommended.

6.5.2 It is noted that previous appeals at the neighbouring property, 5 Crofton Close have been refused on the matter of parking and its potential impact on the character of the area. The concern with adding additional spaces, in relation to 5 Crofton Close, was that insufficient 'aisle width' which is the amount of space behind the parking space to manoeuvre within the shared driveway as this was below the standard 6 metre requirement. In this case there is a distance of 11 metres at its narrowest (where the new car parking space would be provided) from the far-side edge of the carriageway and the front of the garage which is sufficient to provide a car parking space of 5 metres and an aisle width of 6 metres. As such the 2 sites are not comparable and the proposed parking arrangement is acceptable.

## 6.6 Other Matters

6.6.1 The neighbouring property to the north has solar panels on the southern roof slope adjacent to the location of the proposed extension. It has been confirmed in case law that loss of light and resulting efficacy of solar panels on neighbouring properties is a material planning consideration. In planning policy terms, the loss of efficiency to solar panels would run against the objectives of Policy CS20 of the LDF Core Strategy.

6.6.2 Guidance from the British Research Establishment (BRE) sets out that solar

panels should not see a reduction of light below 90% of existing. It must be recognised that BRE target is not planning policy, but it does serve as a useful quantification of what may be acceptable. The applicant has commissioned a light assessment which shows that all panels in the neighbouring property would receive at least 91% of the light which reaches them prior to the development. It is therefore considered that the impact on the efficacy of the neighbouring solar panels would not be unacceptably reduced.

## **7. Summary**

7.1 The proposal for an extension in this location is considered to be acceptable in principle. The impact on neighbouring properties would be acceptable and sufficient car parking is proposed such that the proposal would not result in a significant adverse impact on the amenities of the local area or its residents.

## **8. Conclusion**

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

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

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

**Craig Morrison** for PROW Panel 24.01.23

#### **PLANNING CONDITIONS to include:**

##### **01. Full Permission Timing (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. Approved Plans (Performance)**

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

Reason: For the avoidance of doubt and in the interests of proper planning

##### **03. Landscaping detailed plan (Pre-Commencement)**

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

(i) car parking layouts; hard surfacing materials including permeable surfacing for the additional hardstanding where appropriate,

(ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;

(iii) a landscape management scheme.

*Note: Until the sustainability credentials of artificial grass have been proven it is unlikely that the Local Planning Authority will be able to support its use as part of the*

*sign off of this planning condition.*

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the extension hereby approved 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, with the exception of boundary treatment and external lighting which shall be retained as approved for the lifetime of the development.

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 compensate for the loss of the existing conifers and 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.

#### **04. Parking (Performance)**

The parking and access shall be provided in accordance with the plans hereby approved before the extension first comes into occupation and shall thereafter retained as approved for the lifetime of the development.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

#### *Note to Applicant*

*The change of use of this family dwelling to a house in multiple occupation, where 3 or more unrelated people live, would require planning permission before the change of use taking place.*

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

- CS13 Fundamentals of Design
- CS19 Car & Cycle Parking
- CS20 Tackling and Adapting to Climate Change

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

- SDP1 Quality of Development
- SDP5 Parking
- SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

- Residential Design Guide (Approved - September 2006)
- Parking Standards SPD (September 2011)

Other Relevant Guidance

- The National Planning Policy Framework (2021)





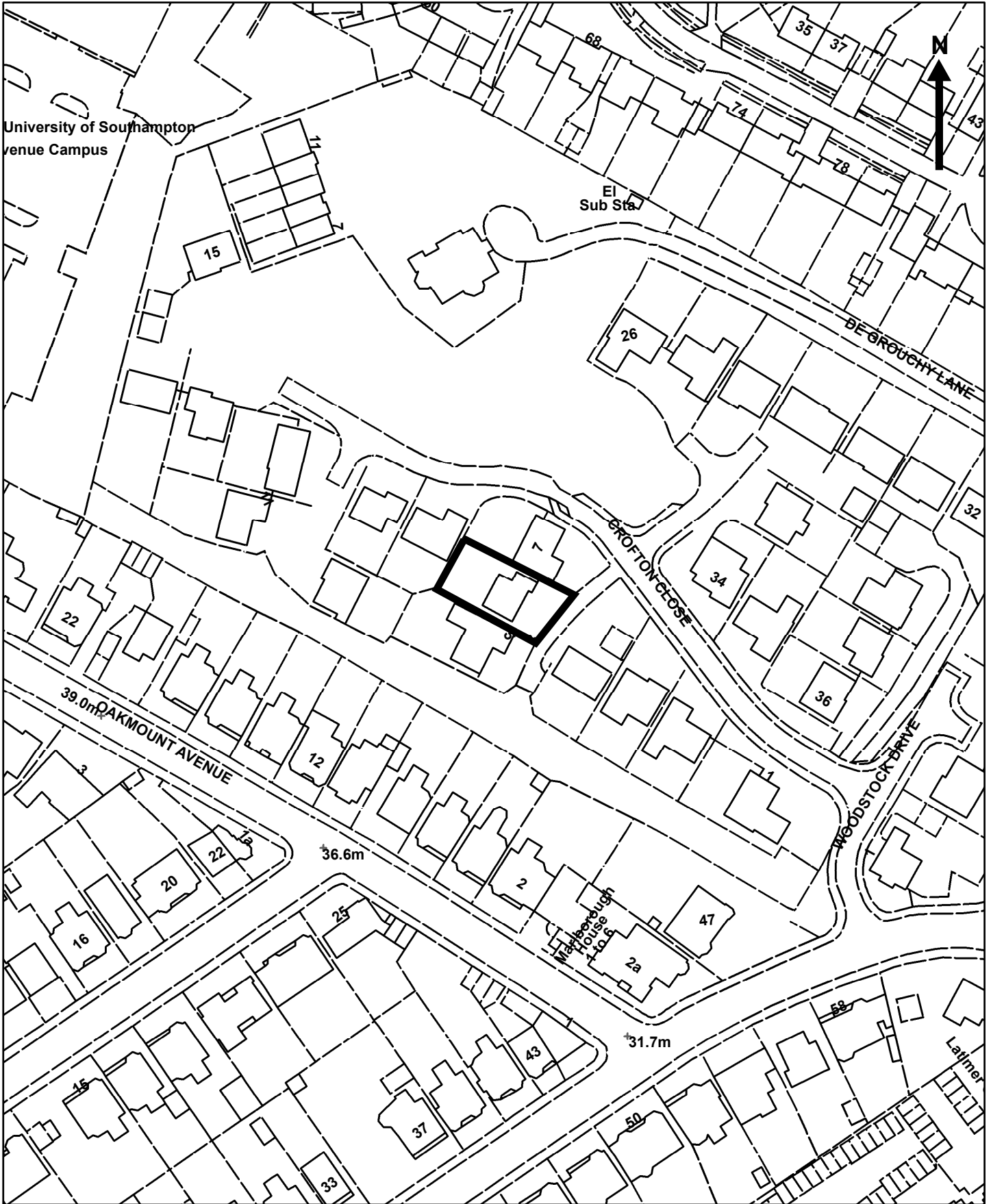
**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
900255/W/(6)	CHANGE OF USE OF OAKMOUNT HOUSE TO 4 FLATS REDEVELOPMENT OF REMAINING SITE BY ERECTION OF 33 HOUSES WITH ASSOCIATED CAR PARKING STRUCTURED LANDSCAPING OF OPEN SPACE	Conditionally Approved	29.08.1990
14/00034/APE NF	ENFORCEMENT APPEAL AGAINST UNAUTHORISED CHANGE OF USE FROM C3 TO A C4 HOUSE IN MULTIPLE OCCUPATION.	Appeal Dismissed	25.03.2015

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# Agenda Item 6

# 22/01188/FUL



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