

Planning and Rights of Way Panel 2nd November 2021
Planning Application Report of the Head of Planning & Economic Development

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| Application address: 289 Shirley Road, Southampton | | | |
| Proposed development: Change of use to Sui Generis (Drinking establishment) and erection of decking and balustrading to the front and lean-to side extension (Retrospective) | | | |
| Application number: | 20/00182/FUL | Application type: | FUL |
| Case officer: | Rob Sims | Public speaking time: | 5 minutes |
| Last date for determination: | 5 th November 2021 | Ward: | Freemantle |
| Reason for Panel Referral: | Five or more letters of objection have been received | Ward Councillors: | Cllr D Shields Cllr V Windle Cllr S Leggett |
| Referred to Panel by: | N/A | Reason: | Five or more letters of objection have been received |
| Applicant: Mr Attal Mihanpoor | | Agent: Aaron Brown | |

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| Recommendation Summary | Conditionally approve |
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|---|-----------------------|
| Community Infrastructure Levy Liable | Not applicable |
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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).

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|--------------------------|----------------------------------|---|---------------------------|
| Appendix attached | | | |
| 1 | Development Plan Policies | 2 | Relevant Planning History |
| 3 | Decision Notice for 17/01108/FUL | | |

Recommendation in Full

Conditionally approve subject to the conditions listed at the end of this report.

1. The site and its context

- 1.1 The application site occupies a corner plot at Shirley Road and Lumsden Avenue. The plot forms part of the designated secondary retail frontage in Shirley Town Centre. The premises is currently in use as a bar, however previous to that the site obtained planning permission for a restaurant and takeaway use (17/01108/FUL).

2. Proposal

- 2.1 The application seeks retrospective planning permission to change the use of premises from a restaurant/takeaway to a Sui Generis (Drinking establishment). The premises is already in use as a drinking establishment whereby the applicant has erected decking and balustrading to the front on to Shirley Road and erected a lean to side extension on to Lumsden Avenue, which accommodates outdoor seating area to support the use.
- 2.2 The use of 289 Shirley Road as a drinking establishment has been the subject of enforcement complaints. The planning application description has also changed during the course of the application to enable the submission of amended plans to include the decking and lean to side extension. A full round of public re-consultation was carried out following receipt of the amended plans and new description.
- 2.3 The application form submitted for this application does not specify any opening hours, however 'Rio's' website advertises the opening hours of the premises as 11:00am – 23:00pm. The site has a current premises licence (for Rio's as a bar) with opening times between 09:00-00:00.

3. Relevant Planning Policy

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

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.
- 4.2 The most relevant and recent application relating to the premises was the planning permission granted in 2017 under application 17/01108/FUL for 'Change of use of

existing retail unit (class A1) to restaurant/takeaway (mixed use class A3/A5).'

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice on 25.02.2020 and 24.09.2021. At the time of writing the report **8 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 Premises for granted permission for a (vegan) restaurant but has been operating as a bar without planning permission.

Response

Agreed. The application is retrospective and that the owners did not secure planning permission before operating their bar. The Council's Planning Enforcement Policy echoes the National Planning Policy Framework, which states that enforcement action is discretionary, and that local planning authorities should act proportionately in responding to suspected breaches of planning control. Section 73A of the Town and County Planning Act 1990 specifically provides that a granting of planning permission may relate to development carried out before the date of the application' (para 6). Following the complaints the applicant was invited to apply ahead of taking matters further through Planning Enforcement. An application cannot be refused on grounds that it is retrospective. When considering the development regard has to be had to Government guidance and the policies contained within the Development Plan.

5.3 Residents have experienced a noise and disturbance including anti-social behaviour and loud noise after 11:30pm.

Response

Anti social behaviour is a police matter. The impact on residential amenity from the opening hours is a material consideration, which will be discussed below in Section 6.

5.4 Cars parked on double yellow lines, blocking driveways along Lumsden Avenue, which has made this junction dangerous for both car drivers and pedestrians

Response

The site is located along Shirley High Street which is a sustainable location. Illegal parking is a police matter. The application does not propose any off street parking – as is the case with many other high street businesses. If illegal is taking place, there is no ability within the planning process to enforce against indiscriminate parking behaviour in instance.

5.5 Covenants prohibit the operation of a bar on the street. The majority of the bar's outside seating is actually along Lumsden Avenue.

Response

Covenants are not a material planning consideration. The site has a dual frontage being on a corner location. The appropriateness of the side lean to extension and front decking, and its impact on the character and appearance

of the area will be discussed in Section 6 below.

5.6 If the requested retrospective application for Sui Generis status and covered decking is granted, I implore Southampton City Council planners to do this with the following restrictions:

- 1) No use of the decked area after 10pm
- 2) Premises doors and windows closed after 10pm
- 3) Alcohol service stops by 11pm, which is akin to the practice of most other premises in the area even if their licences extend beyond this.

Response

Restriction to the opening hours are discussed below and appropriate planning conditions are recommended.

Consultation Responses

5.7 **Cllr Shields**

In light of a number of concerns raised with me by local residents in Lumsden Avenue, I wish to object to the (retrospective) application for change of use to a licensed establishment where consumption of liquor is the central activity which is at variance with the original application for a 'vegan restaurant'.

5.8 **Environmental Health**

We still have no objections to this development but would recommend that the hours of use are conditioned as follows:

Hours of Use (Performance)

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

Monday to Thursday - 8AM until 11PM (08:00-23:00)

Friday and Saturday - 8AM until 12AM (08:00-00:00)

Sunday and recognised public holidays - 8AM until 11PM (08:00-23:00)

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

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;
- Impact on the character and appearance of the area;
- Impact on Residential amenity;
- Impact on Parking

6.2 **Principle of Development**

6.2.1 The application site is positioned within the Shirley Town Centre and forms part of the identified secondary retail frontage. Policy REI4 of the Local Plan identifies properties within these area as being appropriate for Class A1-5 uses or other uses which offer a direct service to the public. In September 2020 the Use Classes Order was updated which incorporated a drinking establishment as a 'Sui Generis' use. Prior to this change, a drinking establishment was an 'A4' use. As such, when assessed directly against Policy REI4, there is no objection to the principle of the use as a bar.

- 6.2.2 Policy CLT15 of the Local Plan states that 'proposals for A3, A4 and A5 uses will be permitted in town, district and local centres subject to compliance with Policy REI 7.
- 6.2.3

Policy REI7 (Food and Drink Uses (Classes A3, A4 and A5) states that:

Proposals involving classes A3, A4 and A5 Food & Drink uses will be permitted in city, town, district, local centres and sites identified for mixed use areas in accordance with CLT 14 and 15 provided that;

(i) appropriate planning conditions are imposed where necessary to prevent the generation of any undue noise or other forms of nuisance directly arising from the proposed use;

(ii) any adverse impact on the amenities of neighbouring residential premises by reason of noise and disturbance within the premises can be prevented by the installation of sound attenuation measures by appropriate conditions;

(iii) any adverse impact caused by cooking smells can be prevented by the installation of fume filtration and extraction equipment which in itself is not visually intrusive or otherwise unneighbourly by appropriate conditions;

(iv) any adverse impact on the amenities of the area through the discarding of litter is prevented by the provision of litter bins on the premises.

- 6.2.4 Based on the above requirements of Policy REI7, the acceptability of the change of use to a drinking establishment is subject to assessing the material harm of the use. Decking to the front and a lean to side extension have been added to the premises, as such the impact on the character and appearance of the area also falls for consideration. In addition, given the close proximity of the residential properties along Lumsden Avenue, the impact of the proposed use on noise and disturbance to neighbouring properties must also be considered.

6.3 Design and effect on character

- 6.3.1 Policies CLT 15, REI 4 and REI7 establish that the principle of a drinking establishment in this location, along Shirley Road, is acceptable subject to any adverse impact on the amenities of neighbouring residential premises by reason of noise and disturbance being considered. Therefore, it can be concluded that the principle of the use itself would not cause harm to the character and visual appearance of the area, but further mitigation and assessment will be required.
- 6.3.2 As part of the change of use, outdoor seating areas to the front and to the side (fronting Lumsden Avenue) have been installed. Open decking previously wrapped around the front and side of the premises to provide outdoor seating. In March 2021 this was replaced with an open decking area to the front measuring 3.4m deep x 4.1m wide. A lean-to addition was also added with open sides fronting on to Lumsden Avenue. This addition spans the length of the Lumsden Avenue frontage measuring 8.6m long x 1.8m wide. The amended plans also show 'picnic' benches and planters to be located between the lean to and the Lumsden Avenue pavement. The lean to itself is constructed of timber framing with a 'camouflaged' roof material to soften the appearance of the timber roof structure.

6.3.3 The proposed front and side additions are notable additions to the bar in the street scene and the use of timber framing and fascia's and artificial roof covering draw attention to the use of the drinking establishment. However, they are not considered to be disproportionate or incongruous additions to the area. The Sangha restaurant (opposite) has decking to the front (approved under delegated authority), and there are other cafe / restaurant and pubs along Shirley Road which include outdoor seating areas. In addition, it is recognised that the Covid 19 pandemic has led to the increasing need for bars and restaurants to provide more outdoor seating areas in order to avoid the spread of the virus. Notwithstanding the noise and disturbance impacts that may arise from outdoor seating areas, it is not considered that the provision of outdoor structures results in an incongruous addition to the area and they do not significantly harm the character and visual amenities of the area. An assessment of the impact on local amenity is, nevertheless, still required.

6.4 Residential amenity

6.4.1 289 Shirley Road comprises of a dual frontage on Shirley Road and Lumsden Avenue. At first floor there is a residential flat, which is typical of properties along Shirley Road which have flats on the first floor. In contrast to the mixed-use development along Shirley Road, Lumsden Avenue comprises of a number of flats and two storey residential properties and quickly becomes wholly residential in character. The nearest property is located approximately 35m to the east of the application site. There are also residential properties located along Malmesbury Road to the south east of the site.

6.4.2 The retrospective nature of the application has generated a number of objections from neighbouring properties along Lumsden Avenue regarding noise and disturbance. With regards to noise, concerns have been raised that the bar has been open past 11:30pm and sometimes 1am during the summer. This has resulted in noise disturbance to neighbouring occupiers as well as anti social behaviour.

6.4.3 When determining the previous application for a restaurant (17/01108/FUL), a condition was imposed to restrict the opening hours to:

Monday to Thursday - 8AM until 11PM (08:00-23:00)

Friday and Saturday - 8AM until 12AM (08:00-00:00)

Sunday and recognised public holidays - 8AM until 11PM (08:00-23:00)

6.4.4 This condition was more restrictive than the hours stipulated on the premises licence which allows for opening hours 0900 – 0000 Monday to Sunday. The delegated report for the lawful use explained that the reason for restricting the opening hours was as follows:

The Shirley Road district centre has typically been controlled to around 11PM closing, with an allowance for midnight closing times on Friday/Saturday nights, to take account of the proximity and residential mix in the area. This is of particular concern given the external seating which potentially allows for the congregation of people and associated noise. On balance it is considered reasonable to restrict the opening hours in line with other properties in the area to ensure the impacts of the development are controlled to an acceptable level.

- 6.4.5 In addition a condition was imposed to secure 'sound insulation measures against internally generated noise and vibration.' These sound insulation measures included evidence that a 'Soundcheck plasterboard on the acoustic supports' had been installed, which the Environmental Health Officer concluded was acceptable to comply with the requirements of the condition.
- 6.4.6 The application forms submitted for the use of the premises as a bar does not specify any opening hours, however 'Rio's' website advertises the opening hours of the 'cocktail bar and coffee shop' as 11:00am – 23:00pm. The site has a current premises licence (for Rio's as a bar) with opening times between 09:00-00:00. The concerns raised by neighbours regarding noise and disturbance are fully understood, and primarily relate to disturbance outside of these hours. The main points of concern relate to anti social behaviour from people leaving the premises and the use of the external decking. From a planning perspective, it is not possible to control activities occurring outside of the site and as any issues relating to anti social behaviour is a police matter. However a condition can be imposed to secure details of CCTV systems to cover the inside and outside areas of the establishment.
- 6.4.7 It is acknowledged that the use of the premises as a bar and its controls may contribute to noise disturbances. That said the policy requirement under REI7 for assessing the acceptability of the bar use advocates the use of planning conditions and sound insulation measures to protect the amenity of neighbouring residents. The site already has a fallback position for its use as a restaurant to limit the opening hours to 11pm Monday to Thursday (including public holidays) and 12am Fridays and Saturdays. In addition sound insulation measures have already been installed. In responding to this change of use application, the Environmental Health Officer states that the previous opening hours for the restaurant use would also be appropriate for the bar use. The hours of use would also be shorter than what the premises licence allows for. Furthermore these hours would be comparable to other pubs and drinking establishments within the area (which also have outdoor seating areas) including:
- The Bright Water Inn (JD Wetherspoon)
Monday – Sunday 8am – 12am
 - Brass Monkey
Monday to Thursday 10am – 11pm, Fridays and Saturdays – 10am to 12am
 - Rover Inn
Monday – Sunday 11am – 11pm
- 6.4.8 On this basis it is considered reasonable and appropriate to reimpose the previous opening hours from the last permission. This would ensure that midweek hours are kept to an amenable hour. Furthermore, the weekend hours would be retained in line with the premises licence and be consistent with the hours of opening of other pub uses. The imposition of these opening hours would also regulate the current noise and disturbance issues that have raised concerns from neighbouring residents, and seek to mitigate their concerns alongside the anti social behaviour controls that the Police can monitor. If further concerns are raised in relation to noise and disturbance, these can be reported to Environmental Health team who can use Environment Protection powers to enforce further controls on the premises.
- 6.4.9 Subject to compliance with the following opening hours, the use of the premises as

a bar is considered to be acceptable and would mitigate the concerns of neighbouring occupiers in terms of noise and disturbance:

Monday to Thursday - 8AM until 11PM (08:00-23:00)

Friday and Saturday - 8AM until 12AM (08:00-00:00)

Sunday and recognised public holidays - 8AM until 11PM (08:00-23:00)

6.4.10 With the regards to the noise impacts from the outdoor seating area specifically, whilst the lean-to addition to the side is covered, it has open sides, therefore there is potential for noise to project out on to Lumsden Avenue. The outdoor seating is required partly to support covid measures as well as provide an area for smoking, which often results in people outside an establishment (drinking). During the course of the application conversations were had with Environmental Health Officers regarding the potential for more limited opening hours to be imposed on the outdoor seating areas. However, this was considered unreasonable due to the longer hours allowed under the premises licence, as well as the potential practical difficulties with enforcing these controls. Any further limitations imposed on the number of people using the outdoor area and hours of use would be difficult to enforce and would be unreasonable given the allowances under the premises licence. Therefore further restrictions beyond the overall opening hours stipulated above are not considered to be appropriate in this instance.

6.4.11 Notwithstanding the Council's Environmental Health team have not requested conditions to control the use of specific external noise systems, in view of the objections to the application based on noise generation, it would be prudent and reasonable to restrict any external music sources (either live or amplified) unless a noise assessment has been submitted and any associated mitigation. Subject to compliance with this condition, the application would meet the requirements of saved Policy SDP1(i) as the application would ensure that it does not 'unacceptably affect the health, safety and amenity of the city and its citizens.'

6.5 Parking highways and transport

6.5.1 The site lies within a very sustainable location with good access by foot and to public transport serving the City Centre. The site does not provide a dedicated parking area to serve the use. The original retail use did provide informal parking spaces off Lumsden Avenue, however these were not served by a dedicated dropped kerb. The erection of decking to the front and the lean-to side addition removes any possibility of on-site parking. The bar use would inevitably generate footfall from customers, however its sustainable location would not generate the requirement for on-site parking spaces. Furthermore Lumsden Avenue is not subject to any specific parking controls, except for double yellow lines that extend partially down the junction with Shirley Road. Any illegal parking on double yellow lines would be responsibility of the police to enforce, which would also negate any conflict with highway safety at this junction.

6.5.2 No details of waste and litter collection have been provided. The management of litter is a requirement of Policy RE17, therefore a condition will be imposed to secure details of waste and litter collection for the bar use. On this basis it would not be reasonable to refuse the application on highway safety due to the above considerations.

7. Summary

7.1 In terms of its scale, siting and visual appearance of the proposed lean to addition and front decking are acceptable and would not significantly harm the character and appearance of the area.

7.2 Subject to conditions regarding the opening hours of the premises and details of waste and litter collection, the proposed use would not give rise to further material harm in terms of noise and disturbance to neighbouring occupiers and the proposals would comply with the requirements of the Development Plan policies.

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)

Rob Sims PROW Panel 02/11/2021

PLANNING CONDITIONS

01. 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.

02. Hours of Use (Performance)

The use hereby approved shall not operate and no deliveries received outside the following hours:

Monday to Thursday - 8AM until 11PM (08:00-23:00)

Friday and Saturday - 8AM until 12AM (08:00-00:00)

Sunday and recognised public holidays - 8AM until 11PM (08:00-23:00)

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

03. Waste Management Plan

Within three months of the date of this consent a waste management plan that includes details of storage for refuse and recycling, collection, 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 within two months of the details being approved 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.

4. CCTV

Within three months of the date of this consent, 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 within two months of the details being approved and thereafter retained as approved. 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.

5. No sound amplification systems

No sound amplification systems that is audible from outside the building shall be operated unless a noise assessment has been submitted to and approved by the Local Planning Authority, and any noise mitigation measures required have been installed in accordance with the approved details. Any such mitigation shall be installed within a timeframe first agreed by the Local Planning Authority and retained thereafter for the lifetime of the development

Reason: To ensure the amenities of nearby residents and businesses are not harmed.

POLICY CONTEXT

Core Strategy - (as amended 2015)

| | |
|------|------------------------|
| CS6 | Economic Growth |
| CS13 | Fundamentals of Design |
| CS19 | Car & Cycle Parking |

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

| | |
|-------|---|
| SDP1 | Quality of Development |
| SDP5 | Parking |
| SDP9 | Scale, Massing & Appearance |
| SDP10 | Safety & Security |
| SDP11 | Accessibility & Movement |
| SDP16 | Noise |
| 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)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

| Case Ref | Proposal | Decision | Date |
|-----------------|---|------------------------|-------------|
| 920670/W | ERECTION OF A 2 STOREY SIDE EXTENSION TO PROVIDE 3 NO FLATS AND 1 NO SHOP UNIT | Conditionally Approved | 18.09.1992 |
| 16/01791/FUL | Erection of a single storey side extension. | Conditionally Approved | 12.12.2016 |
| 17/01108/FUL | Change of use of existing retail unit (class A1) to restaurant/takeaway (mixed use class A3/A5) | Conditionally Approved | 02.11.2017 |
| 19/00879/DIS | Application for approval of details reserved by condition 2 (Noise & Vibration) of planning permission ref: 17/01108/FUL for change of use. | No Objection | 03.07.2019 |



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town & Country Planning (Development Management Procedure) (England) Order 2015

Concept Design & Planning
Mr Rob Wiles
Unit 7, First Floor
Cross House Centre
Crosshouse Road
Southampton
SO145GZ

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

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: Change of use of existing retail unit (class A1) to restaurant/takeaway (mixed use class A3/A5)

Site Address: 289 Shirley Road, Southampton, SO15 3HT

Application No: 17/01108/FUL

Subject to the following 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 & 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.

03.Hours of Use (Performance)

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

Monday to Thursday - 8AM until 11PM (08:00-23:00)

Friday and Saturday - 8AM until 12AM (08:00-00:00)

Sunday and recognised public holidays - 8AM until 11PM (08:00-23:00)

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

04.Extract Ventilation (Performance)

The extract ventilation equipment shall be installed in accordance with the details outlined in the submitted documents (Drawing No: C17/046.08 and supporting information in the submitted statement) prior to the first occupation of the development hereby approved. The development shall be maintained in accordance with the approved details thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

05.Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

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

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

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



Samuel Fox
Planning & Development Manager

2 November 2017

If you have any further enquiries please contact:
John Fanning

IMPORTANT NOTE TO APPLICANT

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

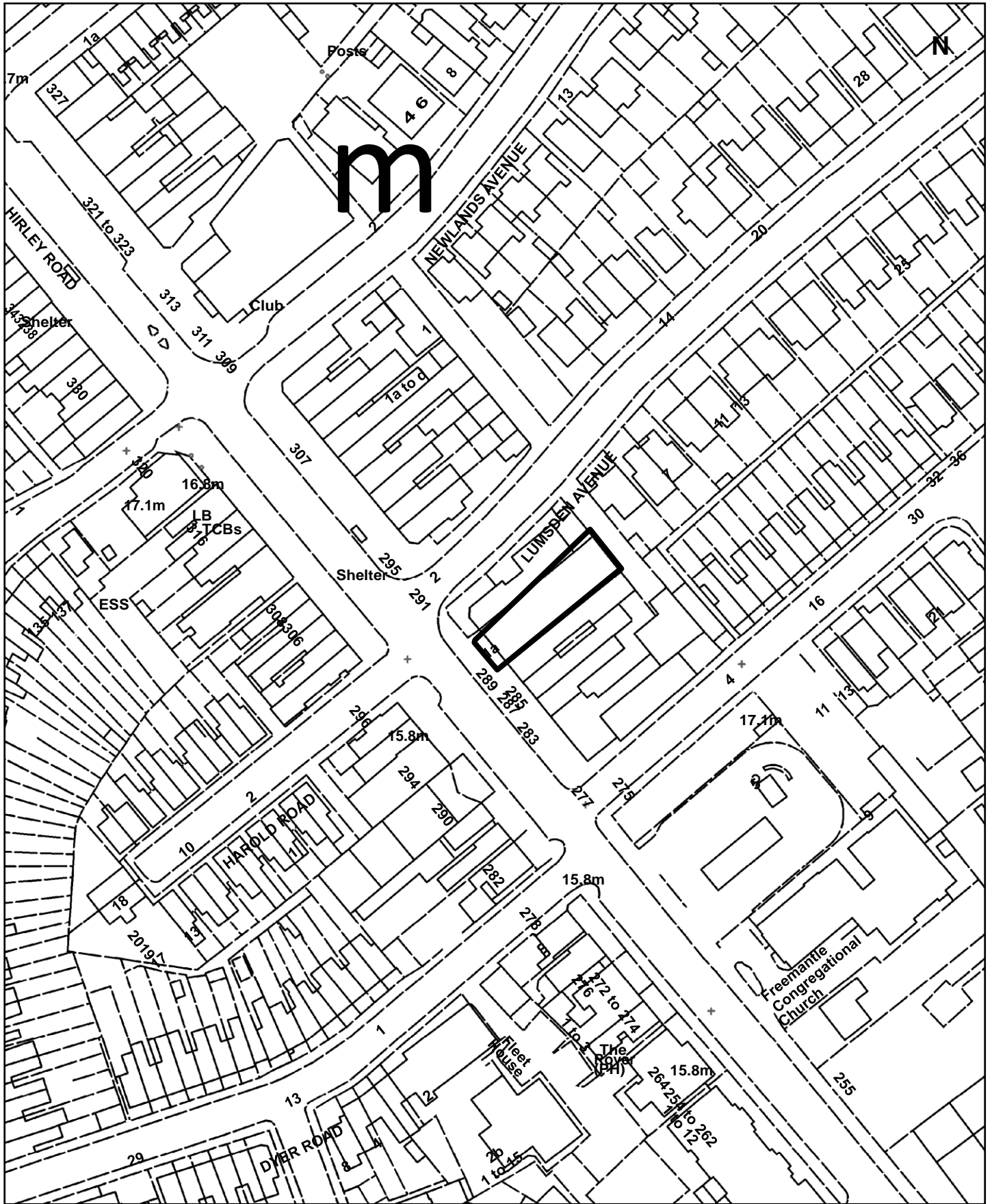
| Drawing No: | Version: | Description: | Date Received: | Status: |
|--------------------|-----------------|---------------------|-----------------------|----------------|
| | | Planning Statement | 21.06.2017 | Approved |
| C17/046.01 | | Location Plan | 21.06.2017 | Approved |
| C17/046.02 | | Floor Plan | 21.06.2017 | Approved |
| C17/046.03 | | Roof Plan | 21.06.2017 | Approved |
| C17/046.04 | | Elevational Plan | 21.06.2017 | Approved |
| C17/046.05 | | Site Plan | 21.06.2017 | Approved |
| C17/046.06 | | Floor Plan | 21.06.2017 | Approved |
| C17/046.07 | | Roof Plan | 21.06.2017 | Approved |
| C17/046.08 | | Elevational Plan | 21.06.2017 | Approved |

NOTES

1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals must be made using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or do it online at <https://acp.planninginspectorate.gov.uk/>
4. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
5. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
8. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
9. The applicant is recommended to retain this form with the title deeds of the property.
10. In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.
11. 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)

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

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NIGHTINGA
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246 to 232
1 to 29

SHIRLEY

Scale: 1:1,250

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