

Planning and Rights of Way Panel 31st October 2023
Planning Application Report of the Head of Transport and Planning

Application address: 9A-10A Shirley High Street, Southampton			
Proposed development: Retention of a single storey rear extension to restaurant for storage purposes.			
Application number:	22/01503/FUL	Application type:	FUL
Case officer:	Tom Barnett	Public speaking time:	5 mins
Last date for determination:	28.12.2022	Ward:	Freemantle
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Pan Kenny Cllr Christe Lambert Cllr Dave Shields
Applicant: MR TEKIN TEYMUROGLU		Agent: SRS INTERIOR DESIGN	

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).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally approve

1.	<u>The site and its context</u>
1.1	The application site consists of a “Turkish kitchen” restaurant located in Shirley Town Centre. The surrounding area is primarily made up of a wide range of different commercial businesses as well as residential units on the first floor above commercial shops.
1.2	The application site primarily boundaries the attached neighbouring dwellings 2-6 and 8a Shirley High Street. The buildings either side of the application site have residential use on the first-floor with commercial usage on the ground floor. The application site extends across an existing service access, although planning permission was granted in 2007 for the existing extension that fettered free access across this shared track.
2.	<u>Proposal</u>
2.1	The proposal is for the retention of a single storey rear extension to the existing Turkish restaurant for storage purposes – linked to the previously constructed 2007 permission. The extension has been constructed and, therefore, these works are retrospective. The extension has a depth of 4.7 metres, a width of 9 metres and is 2.53 metres high with a flat roof.
2.2	The original application ownership certification suggest that the applicant owned the land (Certificate A). It became clear that this was incorrect. This has now been corrected and – as the full extent of the site ownership is unknown due to the shared nature of the rear service access – the correct certification (Certificate D) has now been served for 21 days. In addition, an amended location plan for the site has been secured, and a further round of public consultation on the amended plan has been carried out.
3.	<u>Relevant Planning Policy</u>
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 2023. 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.	<u>Relevant Planning History</u>
4.1	A schedule of the relevant planning history for the site is set out in Appendix 2 of this report.

4.2	The site had a conditionally approved rear extension under the 07/00222/FUL proposal, which has been constructed on site.					
5.	<u>Consultation Responses and Notification Representations</u>					
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 <u>5 representations</u> . The following is a summary of the points raised:					
5.2	The following is a summary of the 5 Objections raised by neighbours:					
5.3	<p>Inaccurate location and block plans don't correlate with the 07/00222/FUL proposal (as well as red line area). The floor plans don't reflect the retrospective proposal, with an incorrect certificate being issued (should be certificate B). The 2007 proposal 07/00222/FUL shows an incorrect red line area and the new proposal blocks access and causes congestion.</p> <p>Officer Response Plans have been amended to address the inaccurate red line boundary, with certificate D being issued. The red line area and the track behind the application site (according to SCC records) is not a public right of way and having visited the site the plans do appear to reflect the retrospective nature of the proposal. From as far back as 2008 this track has been restricted / blocked with an extension approved in the same location.</p>					
5.4	<p>The blocked access has had a negative impact on parking. A lot of rubbish at the back of the property causing a rat problem. The extension would be a fire risk to its attached neighbours.</p> <p>Officer Response The access has been restricted / blocked by the previous approved extension for a number of years, and the new extension would not result in further restrictions to parking than that previously experienced. The rubbish issue would not be classed as a material planning consideration.</p>					
	<u>Consultation Responses</u>					
5.4	<table border="1"> <thead> <tr> <th data-bbox="288 1704 707 1749">Consultee</th> <th data-bbox="707 1704 1382 1749">Comments</th> </tr> </thead> <tbody> <tr> <td data-bbox="288 1749 707 2045">Urban Design Manager</td> <td data-bbox="707 1749 1382 2045">No objection From what I can see from Google Street View this back lane was built over at least as long ago as 2008, so in terms of the single storey structure I don't really have an issue with it. Had I have seen it prior to this retrospective application I probably would've suggested that the building was brick rather</td> </tr> </tbody> </table>	Consultee	Comments	Urban Design Manager	No objection From what I can see from Google Street View this back lane was built over at least as long ago as 2008, so in terms of the single storey structure I don't really have an issue with it. Had I have seen it prior to this retrospective application I probably would've suggested that the building was brick rather	
Consultee	Comments					
Urban Design Manager	No objection From what I can see from Google Street View this back lane was built over at least as long ago as 2008, so in terms of the single storey structure I don't really have an issue with it. Had I have seen it prior to this retrospective application I probably would've suggested that the building was brick rather					

		than render, but there are other buildings in the passageway that are rendered so it's not untypical of the area.
	Highways DM	No objection It appears the extended shop storage area was built over a shared access route. As there is also access from Emsworth Road, access is maintained to the rear of neighbouring properties. Ideally this should be maintained with access from both sides to the rear of neighbouring properties and shared access routes should not be developed over.
6.0	<u>Planning Consideration Key Issues</u>	
6.1	The key issues for consideration in the determination of this planning application are: <ul style="list-style-type: none"> - Residential amenity; and - Design and effect on character. 	
6.2	<u>Residential amenity</u>	
6.2.1	The application site is bordered by neighbouring dwellings 2-6 (on the northern boundary) and 8a Shirley High Street (on the southern boundary). The other immediate neighbour in the proximity who has the potential to be impeded by the extension would be 1 Mayflower Road, who's rear garden is adjacent to the extension.	
6.2.2	In terms of overlooking and overshadowing, the rear extension would not impede the amenity of any neighbouring dwelling to the North (2-6 Shirley High Street) and the Southern boundary (8a Shirley High Street). This is due to the rear extension not being situated in a location that has the potential to impact on loss of light, privacy or overshadowing to the attached neighbouring dwellings. The only other neighbour in the proximity that may potentially be impeded by the rear extension would be 1 Mayflower Road. The rear extension would not impede key amenity areas of this neighbouring property as the extension is located adjacent to the very rear of their rear garden.	
6.2.3	Specific concerns have been raised with regards to parking congestion and blocking access to the rear of neighbouring properties. Although it is acknowledged that the rear extension would mean that the access between Mayflower Road and Emsworth Road would continue to be impassable, this access is not a public right of way and is an unadopted road. The access has been blocked for at least a period of 15 years due to the presence of a previous extension at the rear of the application site. The material differences between that approved extension and this extension is limited to a small infill squaring off the form of the addition. This extension does not lead to further blockage or impediment of this rear service yard than	

	currently experienced and previously approved. Furthermore, the rear of these neighbouring properties can still be accessed and serviced from the north and south from either side of the extension. On this basis the loss of uninterrupted access from north to south along this rear service yard would not constitute material harm or a justifiable reason for refusal.
6.3	<u>Design and effect on character</u>
6.3.1	The proposal would not cause any detrimental impact to Shirley High Street given that the proposal is situated to the rear of the property. A rear extension of this scale is common and would not be significantly out of character for a residential and commercial area. The rear extension would be visible from Mayflower Road but is set well back from the street scene. Furthermore the extension is not significantly larger in terms of footprint and height than the previous structure. On this basis the design and appearance of the extension is considered to be acceptable.
6.3.2	The external materials used do not cause any detrimental impact upon the existing property or surrounding area. On this basis, the proposals are considered to be acceptable and would comply with the requirements of the relevant Development Plan policies listed above, and guidance contained within Section 12 of the NPPF.
6.4	<u>Other Matters</u>
6.4.1	Concerns have also been raised with regards to parking issues. The previous extension covered the full width of the access road and the extension marginally increases its footprint and form. The retention of this extension would not lead to any further parking problems than could have been previously encountered. On this basis impact on parking and amenity would not be worsened through this approval of this application.
6.4.2	The majority of the concerns from third parties relate to the obstruction of the access. Under application 07/00222/FUL planning permission was granted for a single storey extension to the premises. This had the effect of restricting full access along the service road between Mayflower Road and Emsworth Road. The ownership of this service road is not known and the applicant has submitted the required certificate and notification. Whilst the application proposals consolidate the blocking of the access, they do not alter the status quo or make the situation worse. This is ultimately a private matter between any interested parties and businesses. The material planning merits are considered acceptable and therefore the further consolidation of the blocked access is not a justified reason for refusal.
7.	<u>Summary</u>
7.1	Overall, the application is considered to be acceptable in terms of its siting, size and design and would not result in significant impacts on neighbour amenity and servicing arrangements which would warrant a refusal of

	planning permission. The existing service track was legitimately blocked in 2008 following the grant of planning permission and this application does not cause additional harm as all properties fronting Shirley High Street maintain rear access despite the development. On this basis, despite the objections received, the application can be supported.
8.	<u>Conclusion</u>
8.1	It is recommended that planning permission should 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)

Case Officer **Tom Barnett** PROW Panel 03.10.2023

PLANNING CONDITIONS

Condition 1 - 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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design
CS19 Car & Cycle Parking

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

SDP1 Quality of Development
SDP5 Parking
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2023)

Relevant Planning History

Case Ref	Proposal	Decision	Date
02/01341/FUL	New shopfront	Conditionally Approved	27.11.2002
901663/WA	9A-10A SHIRLEY HIGH STREET FREEMANTLE WARD SHIRLEY SOUTHAMPTON INSTALLATION OF ILLUMINATED FASCIA AND PROJECTING SIGNS 'WIMPY'		18.01.1991
901664/W	9A-10A SHIRLEY HIGH STREET FREEMANTLE WARD SHIRLEY SOUTHAMPTON ERECTION OF A SINGLE STOREY REAR EXTENSION INSTALLATION OF A NEW SHOPFRONT AND ELEVATIONAL ALTERATIONS	Conditionally Approved	12.03.1991
07/00222/FUL	Single storey rear extension (retrospective).	Conditionally Approved	10.04.2007
21/00232/FUL	Alterations to existing shopfront (Submitted in conjunction with 21/00233/ADV)	Conditionally Approved	14.04.2021
21/00233/ADV	Installation of 1x internally illuminated fascia sign (Submitted in conjunction with 21/00232/FUL)	Conditionally Approved	14.04.2021
21/00234/FUL	Installing of extraction flue	Conditionally Approved	14.04.2021
21/00547/FUL	Installation of decking/seating area to front of restaurant	Conditionally Approved	16.06.2021
21/01746/CON SUL	SCC Licensing Consultation - New Premises Licence	No Objection	19.01.2022
22/00181/FUL	Erection of a single storey front extension.	Conditionally Approved	23.05.2022
891131/W	change of use from retail to restaurant	Conditionally Approved	14.07.1989
882281/W	change of use from retail to estate agents	Application Refused	04.01.1989

1497/W6	Installation of a new shopfront at 9A - 10A Shirley High Street	Conditionally Approved	23.09.1975
1492/W8	The erection of 2 external staircases at the rear of 9a and 10a Shirley High Street	Conditionally Approved	03.06.1975
1477/W3	Installation of a new shopfront, and the construction of a ground floor	Conditionally Approved	02.07.1974
1453/103	Installation of a new shopfront	Conditionally Approved	27.02.1973
1452/P24/1	Installation of a new shopfront on the existing premises	Conditionally Approved	27.02.1973
1181/1	The use of existing first floor rooms as a residential unit	Conditionally Approved	26.07.1960
1157/16	Carrying out of alterations and erection of a store shed	Conditionally Approved	29.06.1959
1105/46	`New shopfront	Conditionally Approved	19.03.1957