



Appeal Decision

Site visit made on 30 September 2019

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2019

Appeal Ref: APP/D1780/W/19/3233152

Rileys American Pool and Snooker, Church End, Southampton SO15 3JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Meisels of Parnoso Limited against the decision of Southampton City Council.
 - The application Ref 18/00898/FUL, dated 14 May 2018, was refused by notice dated 14 January 2019.
 - The development proposed is replacement of existing former Snooker Hall with 22 self-contained flats with associated refuse and cycle storage and landscaping (resubmission).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr M Meisels of Parnoso Limited against Southampton City Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Council refused the application for three reasons, one of which related to the need for a planning obligation to secure contributions towards off-site infrastructure and services and affordable housing. The appellant provided a Unilateral Undertaking (UU) with the appeal. However, this did not address the Council's concerns and was not satisfactorily completed. I will return to this later in my decision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area and the setting of St Boniface Church, a locally listed building;
 - the implications of additional demand for on-street parking on the living conditions of nearby neighbours; and
 - whether or not the proposal should provide family housing.

Reasons

Character and appearance

5. The appeal site occupies a backland position on Church End, a narrow road with a limited footway. It is situated within Shirley Town Centre to the rear of the main shopping frontage along Shirley Road. The area is characterised by buildings in a range of single, two and three-storey properties of varying ages and styles. It is surrounded by a mix of uses, including a church, St Boniface Church, surface parking and commercial properties in mixed uses fronting Shirley Road. A small block of flats, Bright Glade Court, fronting Shirley Avenue is located beyond the car parking to the rear of the site. The site's eastern corner adjoins the rear gardens of traditional low density semi-detached housing fronting Cherry Walk.
6. The area between the mixed development along the main road and the traditional lower density housing development acts as a transition between these two distinctly different areas. Development within this transitional area is characterised by low rise, utilitarian buildings which appear subordinate to the main town centre. The appeal site occupies a prominent location within this area, particularly due to its position fronting Church End which is a busy route between the town centre and the residential areas and well used by pedestrians.
7. The existing building on site is rundown and of no architectural merit. Its replacement is therefore acceptable in principle. The proposed building, due to its flat roofed and three and four-storey sections, would be a substantial building on this constrained site. It would be taller than the immediately adjacent development fronting Shirley Road although similar in height to the nearby three-storey block of flats at Bright Glade Court and lower in height than the tower of the adjacent church. The building has been designed to be stepped and staggered with the corner sections intentionally restricted to two-storeys on the Church End elevation in order to break up the built form. Whilst this would go some way to reduce the scale and bulk of the building, the building is positioned very close to the carriageway of Church End and these two-storey elements would nevertheless appear bulky which in combination with the entire building would have an enclosing effect on this narrow road.
8. The proposed buildings flat roof and cuboid appearance would make it appear bulky in the context of the surrounding development within this transitional area, which although not of a uniform style, incorporate some common features including pitched roofs against which this development would be in stark contrast. Consequently, rather than providing a transition between these areas, it would result in an overly large, bulky development more characteristic of development along the main road. This would be out of character with surrounding development and incongruous in this transitional location.
9. The part of Church End where the appeal site is located is dominated by St Boniface Church, an imposing and substantial neo-Byzantine building with its main frontage to Shirley Road. This is a locally listed building and considered to be a local landmark building. As such it is a non-designated heritage asset for the purposes of the National Planning Policy Framework (the Framework).
10. The main elevation is highly decorative incorporating a tall tower, with the side elevations, of a simpler design yet incorporating attractive projecting brick built

gable features and a tiled pitched roof. A decorative central tower is positioned at the rear of the church. The surrounding low rise development and space around the building provided by the road and the church's own grounds, enable it to be appreciated in its entirety with views of the tower visible from Shirley Avenue. Whilst the front elevation is the most striking feature of the church, the rear tower also strongly reflects its neo-Byzantine character and these elements together contribute to the significance of this building.

11. I accept that the existing building does not preserve or enhance the setting of this locally listed building. Given the unique design of the church within the local area and its setting amongst other much more utilitarian buildings, a contemporary building adjacent to this locally listed church may be acceptable.
12. Due to the narrowness of Church End and the siting of the proposed building a short distance back from the carriageway, it would be close to the church. This proximity to the church in combination with the scale and bulk of the proposed building would compete with the church, diminishing its prominence within the street scene along Church End. The design of the building, whilst seeking to reflect a similar rhythm of articulation as the church, would be on a significantly larger scale. The proposal would introduce a considerable sense of enclosure to this street, encroaching upon the setting of this locally listed building. Furthermore, its height and siting would also obscure views of the church tower from Shirley Avenue, thereby reducing the viewpoints from where the church could be appreciated. This leads me to conclude that the proposed development would harm the setting of the non-designated heritage asset.
13. I conclude that the proposed development would significantly harm the character and appearance of the surrounding area and the setting of St Boniface Church. It would therefore conflict with Saved Policies SDP7, SDP9 and H7(iv) of the City of Southampton Local Plan Review 2015 (LPR) and Policies CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document 2015¹ (Core Strategy). These policies together and amongst other things seek a high quality design of development that respects local character and enhances the character of locally listed buildings. It would also not accord with the advice set out in the Council's Residential Design Guide Supplementary Planning Document 2006 (the Design Guide SPD) which seeks a density of development appropriate to its context. It would also not meet the design objectives of the Framework.
14. The Council has referred to Saved Policy SDP1. However, as the relevant part of this policy in respect of the character of the built environment has been replaced by Policy CS13 of the Core Strategy, it is not relevant to my assessment of character and appearance. The Council also referred to Saved Policy HE4 of the LPR. As this policy relates to the demolition or alteration of a building on the Local List it is not directly relevant to the proposal before me.

The provision of car parking

15. Church End is a narrow single-track, two-way street providing access to the appeal site and businesses further along its length. It also provides a well-used pedestrian link between the residential streets around Cherry Walk and the shopping area along Shirley Road. There are no parking restrictions on Church End or within the residential streets beyond the town centre. However,

¹ Amended Version incorporating the Core Strategy Partial Review March 2015

parking restrictions are in force along Shirley Road and some of the side streets during daytime hours.

16. In order to comply with the Council's maximum parking standards, the development would need to provide 22 spaces. However, the narrowness of the street restricts access to such an extent that providing on-site parking would give rise to unacceptable potential conflicts between vehicles, cyclists and pedestrians who effectively share the space within Church End. For this reason, providing no on-site parking is appropriate to protect highway and pedestrian safety. However, as a consequence, any future residents who own a car would need to find somewhere to park in the surrounding streets.
17. Just under 75 per cent of households in Shirley Ward own a car. On this basis, the proposal could generate parking demand for 16 or 17 cars. However, the site is within a town centre which provides a range of services and facilities as well as access to public transport. On that basis, the need to own a car is likely to be less than elsewhere in the ward. Consequently, demand from the proposal could be reduced particularly as occupants would be aware that no parking is provided on the site. However, no definitive estimate of the number of vehicles likely to be associated with the development was provided by either party.
18. The appellant's parking survey only provided information about current regulations. There was no substantive evidence before me on the overall parking capacity in the area around the site, or how demand for this varies from daytime to evening or at weekends. In the absence of such information, it is not possible to fully assess the ability of the surrounding streets to accommodate any additional demand for parking arising from the proposal. Neither is it possible to assess the consequences of such additional parking demand on the quality of life for residents of the area.
19. I note that the appellant has indicated that he would be willing to enter into a planning obligation to prevent future occupiers from being able to obtain a parking permit. Whilst this may prevent future occupiers from parking within the controlled parking zone, it would not restrict car ownership or prevent future occupiers parking in the nearby unrestricted residential streets. It would therefore not be an effective mechanism for addressing any problems that might arise. In the absence of firm evidence and given the level of concern about parking raised by residents and supported by local members, I must adopt a precautionary approach in addressing this matter.
20. Taking all the above factors into consideration, I am not satisfied that the demand for on-street parking would not result in unacceptable levels of inconvenience for nearby neighbours, which would harm their living conditions. I am therefore not persuaded that the proposal would comply with Saved Policy SDP1(i) of the LPR and Policy CS19 of the Core Strategy which together, and amongst other things, require development that does not unacceptably harm the amenity of citizens and provides appropriate parking for the development. It would also not accord with the Parking Supplementary Planning Document 2011 which sets out maximum parking standards for residential development. The decision notice refers to section 9 of the Design Guide SPD. However, as this relates to waste management it is not relevant to the provision of parking.

Provision of family-sized housing

21. The Council has identified a need for family homes. On sites which could provide 10 or more dwellings or which exceed 0.5 hectares, Policy CS16 of the Core Strategy seeks a target of 30 per cent of dwellings to be family homes with 3 or more bedrooms and access to private amenity space.
22. The scheme would provide a total of 22 one and two-bedroom flats on a site of just 0.12 hectares. None of the units would meet the requirements of a family home. However, the surrounding area is predominantly characterised by higher density development more typical of a town centre location. Therefore, whilst I accept that the Council has an identified need for larger residential units and that there continues to be a shortfall in the provision of family homes, I am not persuaded that this is an appropriate location for family housing.
23. The Council has referred to the viability of the scheme and whether it has been demonstrated that a smaller scheme with a housing mix including three bedrooms would not be viable. However, the submitted viability assessment appears to address whether the scheme should provide affordable housing rather than specifically addressing housing mix. In any case, given my findings in respect of the location there has been no need for me to pursue this further.
24. Consequently, I conclude that the proposed development would not need to provide family-sized housing. It would therefore accord with Policy CS16 of the Core strategy which seeks an appropriate housing mix.

Other Matters

25. The appellant has submitted a UU. This sets out obligations in respect of transport, affordable housing, employment and skills and environment. The UU is not complete as it is not signed by all parties or dated. The Council has not confirmed that this resolves their concerns but given I am dismissing for other reasons it has not been necessary for me to consider this matter in any further detail.
26. One of the reasons the Council required a legal agreement was to secure mitigation for the Solent and Southampton Special Protection Area (SPA) and Ramsar site, Solent Maritime Special Area of Conservation (SAC), the New Forest SAC, SPA and Ramsar site which are protected European sites of nature conservation. If I had been minded to allow the appeal, this is a matter which, under the Conservation of Habitats and Species Regulations 2017, I would have been required to consider the effectiveness of the proposed mitigation in the context of an Appropriate Assessment in order to be certain that there would not have been an adverse effect on the integrity of the protected sites. However, as I am dismissing for other reasons, I have not pursued this further.
27. The proposed development would, through the creation of a street frontage to Church End and the addition of upper floor accommodation, improve natural surveillance along both Church End and of the car park to the rear of the site. The change of use to a residential use from a snooker club operating late at night would also be likely to result in less noise and disturbance and other anti-social behaviour, which would improve the living conditions of nearby neighbours. These are all positive aspects of the scheme.

Planning Balance and Conclusion

28. The Government is seeking to significantly boost the supply of housing and there is no objection in principle to a residential development on the appeal site. The social and economic benefits of providing 22 residential units into a town centre on a previously developed site weigh in favour of the scheme even in the absence of the provision of family housing. In addition, the reduction in the potential for late night noise and disturbance for nearby occupants and improving natural surveillance of the surrounding area are further benefits that weigh in favour of the scheme.
29. However, I have found that the proposed development would result in significant harm to the character and appearance of the surrounding area and the setting of St Boniface Church, a locally listed building. Due to the absence of evidence, I am not persuaded that the living conditions of neighbouring occupiers would not be unacceptably affected through the displacement of demand for parking onto the surrounding residential streets. Furthermore, there is no substantive evidence to demonstrate that a significant proportion of the identified benefits could not be achieved with a scheme that would be less harmful to the local environment.
30. I therefore conclude the scheme would be harmful to the environment and would conflict with the development plan in that regard. The social and economic benefits associated with the proposal would not outweigh that conflict. For this reason, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR