

“4.12 The use of the existing building and existing vehicle access onto Ansdell Terrace would result in greater vehicular activity than the proposed”

The Council used the opportunity of a new planning permission to improve conditions for local residents, not worsen them. In that case the development would not be in use before 9 a.m. whereas proposals comprised within the Applications contemplate 3 deliveries – or 6 vehicle movements between 7 a.m. and 8 a.m. – although in any event there is no guarantee that the number of such deliveries would be restricted.

Second: in 2017 the Council refused our client's application for a single basement of 180sqm at her property at 19 South End (PP/17/0470). At the time of that application, litigation was ongoing in respect of the planning permission granted in February 2016. A Court of Appeal judgment was expected which would re-instate the planning permissions of February 2016 which authorised the change of use from B8 to C3. However, the judgment had not yet been received.

The Planning Officer's position at that stage was

“In my view until a judgement is handed down in your client's favour, the unit is in B8 use. We would not support the expansion of that use (through a basement) in that location primarily due to the negative highway implications associated with a larger unit”

That view was supported by the Council Transport officer's consultation response (subsequently endorsed by the Council's Planning Applications Committee) which stated:

*“At the time of writing the lawful use of the building is B8, which is classified as being Storage or Distribution. The proposed basement would therefore increase the usable floor area of the B8 unit. Whilst the existing use of the site is B8 officers have concerns over the suitability of the site for any increase in the scale of this type of facility. These concerns are primarily based on the constraints of the surrounding road network and the lack of any off-street servicing facility which mean that any additional vehicle activity generated would have to happen on-street. This could impact negatively on both the safe and efficient operation of the highway and conditions of road safety. In the absence of any supporting evidence to the contrary, or any suitable mitigation measures it is considered therefore that the proposals are contrary to policies CT1(b)(h) and CR7 and an objection is raised on that basis.**Recommendation:** An objection is raised to the proposed increase in B8 floorspace.”*

It is accepted that Heythrop has space on site, which 19 South End does not, but the “constraints of the surrounding road network” are exactly the same for the traffic to and from it, all of which it is proposed uses the same access route.

Any potential increase in traffic generated by an extra 180 sq metres of B8 use at 19 South End would have been wholly insignificant in the context of the extra traffic through those same streets that would be permanently generated by the Heythrop proposals (as confirmed in the TA accompanying) the Applications.

These two decisions demonstrate that the Council has been fully aware of the inherent constraints on development in South End and the surrounding area, and in turn on the potential impact such development would have on residential amenity.

None of the applications for planning permissions in the area considered by the Council to date in recent years are of a scale comparable to that proposed by the Applications.