
SOUTHAMPTON CITY COUNCIL
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 23 APRIL 2013

Present: Councillors Mrs Blatchford (Chair), Claisse, L Harris, Lloyd, Shields, Barnes-Andrews (Except Minutes 123-129) and B Harris

Apologies: Councillors Cunio and Norris

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

The Panel noted that apologies had been received from Councillor Norris and Councillor Cunio and that Councillor B Harris and Councillor Barnes-Andrews were in attendance as nominated substitutes respectively in accordance with Procedure Rule 4.3.

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

RESOLVED that the Minutes of the Meeting held on 26 March 2013 be approved and signed as a correct record subject to the following amendment to minute number 117, (Mental Health Day Centre, Bedford House, Amoy Street 12/00381/OUT), set out below:

RESOLVED that the applicant be invited to withdraw the application and if withdrawal is not forthcoming that the application be refused for the reasons set out below:

Reasons for Refusal

01. Refusal reason - Impact on Character and Residential Amenity

The creation of a vehicular access route through the site which links Amoy Street to Canton Street would have a harmful impact on the character and community of Canton Street which is currently a quiet cul-de-sac. There are other solutions to refuse collection arrangements which could be pursued and which would not adversely impact on the amenities of the residents of Canton Street and business within Henry Street. The proposal would therefore prove contrary to the provisions of saved policy SDP1 (i) of the City of Southampton Local Plan Review 2006 and policy CS13 (2) of the Southampton Core Strategy Development Plan Document 2010.

02. Refusal reason - Failure to enter into a Section 106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy CS25 of the adopted Local Development Framework Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in the following ways:-

- a) As the scheme triggers the threshold for the provision of affordable housing it is expected to provide a contribution to affordable housing to assist the City in meeting its current identified housing needs as required by Policy CS15 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010)
- b) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms - in accordance with policies CS18, CS19 & CS25 of the adopted Local Development

Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) - have not been secured.

c) Measures to support strategic transport improvements in the wider area in accordance with policies CS18 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) have not been secured.

d) A financial contribution towards the provision and maintenance of open space in accordance with 'saved' policy CLT5 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;

e) A financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;

f) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway - caused during the construction phase - to the detriment of the visual appearance and usability of the local highway network.

g) In the absence of a mechanism for preventing future residents of the development from receiving car parking permits for adjoining Controlled Parking Zones, the proposal is likely to result in overspill car parking which would represent harm to the amenities of neighbouring residents, contrary to saved policy SDP1 of the Local Plan Review 2006.

h) In the absence of a contribution towards improvements to the public realm within the city centre, the proposal would prove contrary to policies CS13 and CS25 of the Core Strategy 2010 and the adopted SPG relating to Planning Obligations (2005).

125. **165 ST MARYS STREET AND FORMER CHANTRY HALL SITE, CHAPEL ROAD, SO14 5NH / 12/01953/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Redevelopment of the site to provide 59 flats (9 x one bedroom, 46 x two bedroom and 4 x three bedroom) in a building ranging in height from 3-storeys to 6-storeys with associated parking and landscaping.

Mr Sayle (Agent) and Councillor Payne (supporting) (Cabinet Member for Housing) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported two additional conditions.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report and the additional conditions set out below;
- ii) that in the event the legal agreement is not completed within two months of the Panel meeting, the Planning and Development Manager be authorised to

- refuse permission on the ground of failure to secure the provision of the Section 106 Legal Agreement; and
- iii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

Additional Conditions

27. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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 (January 2010).

28. APPROVAL CONDITION – Telecommunications Equipment [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no external telecommunications equipment or similar plant shall be installed on the roofs of the buildings hereby approved.

Reason

In the interests of visual amenity and to safeguard the setting of the adjoining listed St Mary's Church.

NOTE: Councillor Shields declared a non-prejudicial interest and remained in the meeting.

126. **20 ELMSLEIGH GARDENS, SO16 3GF / 13/00215/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Part Two Storey, Part Single Storey Side And Rear Extensions To Existing C4 HMO.

Mr Rogers (Agent) and Ms Wawman (objecting) (Bassett Residents' Association) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional condition.

RESOLVED to **grant** planning permission subject to the conditions listed in the report and the additional condition, set out below:

Additional condition

APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class F (hard surface area)

Reason

In order that the Local Planning Authority may exercise further control in this locality given the potential for increased surface water run off from a high concentration of Houses in Multiple Occupation in the local area, and in the interests of protecting the visual amenity of the local area.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Lloyd and Shields

AGAINST: Councillors Claisse, B Harris and L Harris

NOTE: This item was carried with the use of the Chair's second and casting vote.

127. **75 UPPER SHAFTESBURY AVENUE, SO17 3RU / 12/01884/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Erection of a part 2-storey part single storey side/rear extension to existing class C4 property.

Mr Roger (Agent) and Professor Brown (objecting) (Highfield Residents Association) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported 6 further objections and 2 letters of support had been received. No objection was raised by Environmental Health. Two additional conditions were also reported.

RESOLVED to grant planning permission subject to the conditions listed in the report and the additional conditions set out below:

Additional conditions

APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as

listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class F (hard surface area)

Reason

In order that the Local Planning Authority may exercise further control in this locality given the potential for increased surface water run off from a high concentration of Houses in Multiple Occupation in the local area, and in the interests of protecting the visual amenity of the local area.

APPROVAL CONDITION - Retention of the front wall

Unless otherwise agreed in writing by the Local Planning Authority, the existing front wall shall be retained and no part shall be removed.

Reason

In the interests of protecting the visual amenity of the local area.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Lloyd and Shields

AGAINST: Councillors Claisse, B Harris and L Harris

NOTE: This item was carried with the use of the Chair's second and casting vote.

128. **24 DELL ROAD / 12/00856/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Conversion of existing 3 bed house to 1x2-bed flat, and 1x3-bed flat, with associated refuse/cycle storage.

Ms Acheson (objecting) (Local Resident) and Councillor White (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** conditional approval subject to:
 - (a) the submission of satisfactory amended plans to improve the car parking layout for 2 vehicles and access as detailed in the Highway Officers comments and;
 - (b) the submission of a satisfactory Arboricultural Report;
- ii) in the event that satisfactory amended plans and Arboricultural information are not submitted before the 7th May 2013, that the Planning and Development Manager be authorised to refuse permission; and
- iii) that the Planning and Development Manager be given delegated powers to remove, vary or add conditions as necessary.

RECORDED VOTE

FOR: Councillors Lloyd and Shields

AGAINST: Councillor Mrs Blatchford
ABSTAINED: Councillors Claisse, B Harris and L Harris

129. **PORTCULLIS HOUSE, PLATFORM ROAD / 12/00400/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Alterations and change of use of the building to provide 36 self-contained student residential flats.

Mr Steele (Agent) and Mr Rowell (objecting) (on behalf of ABP) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional S106 clause and an additional recommendation.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a S.106 Legal Agreement to secure the conditions listed in the report and the additional S106 clause set out below;
- ii) in the event that the legal agreement is not completed within two months of the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement;
- iii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary;
- iv) that the Planning and Development Manager be given delegated powers to resolve the land ownership issues raised in relation to the site.

Additional S106 clause

- vii) Submission and implementation within a specified timescale of a Travel Plan, in accordance with Policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).

130. **233 BOTLEY ROAD, SO19 0NL / 13/00186/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Conversion of one existing office building into 4 x 2-bed flats and erection of 1 x 3-bed and 2 x 4-bed detached houses and 2 x 3-bed semi-detached houses, with associated parking and cycle/refuse storage, following demolition of industrial/storage buildings.

Mr Neame (Agent), Mr Jack (objecting) (Local Resident) and Councillor Letts (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that car parking spaces had increased from 15 to 18 spaces and that comments had been received from the ecologist and Police. Two additional conditions were also reported.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a S.106 Legal Agreement, the conditions listed in the report and the additional conditions set out below;
- ii) that in the event that the legal agreement is not completed after 2 months following the date of this panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement; and
- iii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

Additional Conditions

APPROVAL CONDITION - Car Parking (Performance condition)

The car parking shown on the approved drawing comprising a total of 18 car parking spaces (including 2 visitor parking spaces) shall be laid out and surfaced before the use hereby permitted commences and shall thereafter be kept clear and maintained at all times for that purpose.

Reason

To prevent obstruction to traffic in neighbouring roads.

APPROVAL CONDITION - Ecology (Pre-Commencement / Performance condition)

The development shall be carried out strictly in accordance with the conclusions and recommendations of the Ecological Scoping Survey by Ecosupport Ltd dated January 2013. Furthermore prior to the commencement of development a method statement providing measures to eliminate any likely disturbance to the known bat roosts, including a scheme of supervision, shall be submitted to the Local Planning Authority and agreed in writing prior. The development shall be carried out strictly in accordance with the agreed method statement and scheme of supervision.

Reason

To ensure no harm is caused to protected wildlife species.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Barnes-Andrews, Claisse, B Harris and L Harris

AGAINST: Councillor Shields

ABSTAINED: Councillor Lloyd

131. **NXP SEMICONDUCTORS, SECOND AVENUE / 13/00206/REM**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Application for reserved matters approval (access, appearance, landscaping, layout and scale) pursuant to outline planning permission dated 30 January 2013 (reference 12/00975/OUT) for redevelopment of the site. This application is for part of the site to provide an industrial/warehouse unit (Classes B1c, B2 and B8 - total floor space of 8600 square metres) with access from Second Avenue and Allington Road, servicing areas and car parking. (Note: the application also seeks to discharge Conditions 4, 7, 8, 9, 10, 11, 16 and 17 of the outline permission).

Mr Chambers (Agent) and Ms Jackson (supporting) (neighbouring land owner) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the application number should be 13/00206/**REM** rather than OUT. The presenting officer also reported that SCC Environmental Health had requested that **UPS** confirm in writing that the internal conveyors cannot be reduced in length to enable internal vehicle movements (and the deletion of the Allington Road door). On receipt of this confirmation they would have no objection, subject to additional conditions.

RESOLVED

- i) to **grant** conditional approval subject to the receipt of information to satisfy the Council's Environmental Health Officer's concerns, and subject to the conditions listed in the report;
- ii) in the event that these issues cannot be resolved in time for a decision to be made by 20 May 2013 (13 week target date) the Planning and Development Manager be given delegated powers to refuse the application if considered appropriate; and,
- iii) that the Planning and Development Manager be given delegated powers to remove, vary, discharge or add conditions as necessary.

132. **EAST STREET SHOPPING CENTRE, EAST STREET AND ADJOINING LAND / 13/00415/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Redevelopment of Shopping Centre and car park as a new food store (5,534 square metres gross floor space) with car parking on upper levels, including works of demolition, retention of Capital House and the Royal Oak Public House; new vehicular access arrangements, including construction of a new roundabout on Evans Street, highway and public realm improvements, including creation of a new pedestrian link between East Street and Evans Street, landscaping and associated works (affects an existing right of way).

Mr Winter (Agent), Mr Hendry (supporting) (on behalf of ABP), and Mr Reynier (objecting) (City of Southampton Society) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a letter had been received from Hampshire Chamber of Commerce supporting the application and that an objection letter had been received from the Future of Southampton Group.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a S.106 Legal Agreement and subject to the conditions listed in the report;
- ii) in the event that the legal agreement is not completed within two months of the Panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement; and
- iii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

133. **20-24 ORCHARD PLACE / 13/00161/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Renewal of planning permission 10/00242/FUL for continued use of land for parking 24 cars for a further 3 years.

RESOLVED to **grant** planning permission for a temporary period expiring on 30 April 2016 and subject to the conditions listed in the report.