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SOUTHAMPTON CITY COUNCIL  
PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 28 MAY 2013

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Present: Councillors Mrs Blatchford (Chair), Cunio, Claisse (Except minute nos 4 and 11), Inglis (Except minute no 14), Lloyd, Lewzey and Norris

Apologies: Councillor L Harris

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

The Panel noted that apologies had been received from Councillor L Harris and that Councillor Inglis was in attendance as a nominated substitute in accordance with Procedure Rule 4.3.

2. **ELECTION OF VICE CHAIR**

**RESOLVED** that Councillor Cunio be elected Vice-Chair for the Municipal Year 2013/2014.

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

**RESOLVED** that the Minutes of the Meeting held on 23 April 2013 be approved and signed as a correct record.

4. **DEPOT AND LAND, WEST BAY ROAD, SO15 1AW 13/00123/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).

Redevelopment of the site. Erection of buildings to be used as a Sulphur Pastillation Plant (revised application following previous planning permission reference 11/01645/Ful).

Mr Verachtert and Mr Bloom (Applicant), Mr Lynham (Agent), Mr Summers, Mr Galton (objecting) (Local Residents) and Councillors Shields and Moulton (objecting) (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported 13 additional letters had been received from local residents making the total number of objections 27. The issues raised included a blast bund, fire safety, impact on the cruise trade and monitoring of noise and odour.

**RESOLVED** to **grant** planning permission subject to the conditions listed in the report.

**RECORDED VOTE**

**FOR:** Councillors Mrs Blatchford, Cunio, Lewzey and Lloyd  
**AGAINST:** Councillor Norris  
**ABSTAINED:** Councillor Inglis

**NOTE:** Councillor Claisse was absent for this item.

5. **9 POINTOUT CLOSE SO16 7LS 12/01870/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).

Relief from Condition 11 of Planning Permission 871053/23553/W to enable conversion of garage to living accommodation (retrospective).

Mr Johnston (objecting) (Local Resident) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a number of updates: that Building Control had issued a Completion Notice for the property; that paragraph 1.1 of the report should read 7 (not 6) properties in the road have been converted into living accommodation; that paragraph 4.3 of the report should read "... garages at 3, 7 and 19 Pointout Close ....." rather than two properties; and that paragraph 4.4 of the report should read "minimum" rather than "maximum" parking standards.

**RESOLVED** that the application be deferred pending determination of the planning appeal ref 12/00705/FUL by the Planning Inspector.

RECORDED VOTE

FOR: Councillors Claisse, Cunio, Inglis and Norris

AGAINST: Councillors Mrs Blatchford and Lewzey

ABSTAINED: Councillor Lloyd

6. **5 BELLEVUE ROAD SO15 2YE 13/00482/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. Demolition of the existing building and erection of a four-storey building to provide 10 x two-bedroom parent and baby flats and 9 x two-bedroom general needs flats with associated parking and other facilities.

Mr Waterfield (Applicant) and Ms Beale (supporting) (Housing Development Officer, Southampton City Council) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported amended Conditions 7, 11 and 18 and an amendment to clause (iii) of the S106 Legal Agreement.

**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 amendment to the S106 and amended conditions, set out below:

- ii) that in the event that the legal agreement is not completed within three months of the date of this decision 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.

Amendment to S106

iii. Financial contributions towards the relevant elements of public open space required by the development in line with polices CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

**Play Space;**

Amenity Open Space (“open space”);

Playing Field;

Amended Conditions

07 APPROVAL CONDITION - Details of entrance gates to the car park [Performance Condition]

The entrance gates and railings as detailed on the approved site plan and elevations shall be powder coated black prior to the occupation of the building hereby approved. The gate leading to the car park should be lockable and closed when not in use. The gates and railings shall thereafter be retained in perpetuity.

Reason

In the interests of highway safety and residential amenity.

11 APPROVAL CONDITION- Validation of Land remediation [Pre-Occupation Condition]

On completion of the agreed remediation actions (as specified document reference: EE1488/MS/CDS/Rev A) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Reason

To ensure all land contamination risks associated with the site are remediated to an appropriate standard.

18 APPROVAL CONDITION - Construction traffic access/ egress arrangements (Pre-Commencement Condition)

The means of access and egress for construction of the structures on the site shall be carried out in accordance with the details of the submitted document titled 'construction traffic access/egress arrangements' dated March 2013.

Reason

In order to protect the residential amenity of nearby properties.

7. **5 BLENHEIM GARDENS SO17 3RN 13/00384/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 single storey side and rear extension.

Mr Bains (on behalf of the applicant), Mr Banyard (Architect), Mr Gillen (objecting) (Highfield Residents Association) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that paragraph 6.2.1 should refer to the tenancy agreement from 1<sup>st</sup> July **2011** to 12<sup>th</sup> June 2012 and not 2012 as stated in the report.

**RESOLVED** to **grant** planning permission subject to the conditions listed in the report.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Cunio, Lewzey and Lloyd

AGAINST: Councillors Claisse, Inglis and Norris

8. **7 BLENHEIM GARDENS SO17 3RN 13/00385/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 single storey side and rear extensions.

Mr Bains (Applicant), Mr Banyard (Architect), Mr Gillen (objecting) (Highfield Residents Association) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** to **grant** planning permission subject to the conditions listed in the report.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Cunio, Lloyd and Lewzey

AGAINST: Councillors Claisse, Inglis and Norris

9. **23 CAXTON AVENUE 13/00152/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 pair of part single, part two-storey semi-detached, 2-bedroom houses with associated amenity space, bin and cycle stores, parking for 2 cars, following demolition of existing bungalow

The presenting officer reported that the reason for decision should refer to houses rather than flats.

**RESOLVED** to **grant** planning permission subject to the conditions listed in the report and the amended reason for decision.

#### Amended Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out below. The proposal has addressed the previous reasons for refusal and other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 28.05.13 do not have sufficient weight to justify a refusal of the application. The provision of **houses** is in accordance with adopted policies which require efficient use of previously developed sites to provide housing and the level of car parking proposed is in accordance with adopted car parking standards. Where appropriate planning conditions have been imposed to mitigate any harm identified. 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). In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS19 and CS20 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

#### 10. **ITCHEN COLLEGE, MIDDLE ROAD 13/00351/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 2-storey building to provide Public Services and Essential Care teaching accommodation with associated alterations (to replace existing temporary accommodation).

Mr Hicks (Applicant) was present and with the consent of the Chair, addressed the meeting.

**RESOLVED** to **grant** planning permission subject to the conditions listed in the report and an amended condition set out below.

Amended condition

15 APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain **details of wheel cleaning facilities**, method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason

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

11. **8 RUSSELL PLACE 13/00405/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 single storey front and rear extensions and a part two storey part single storey side extension.

Mr Andrews (Agent), Mrs Jameson and Mr Duke (objecting) (Portwood Residents Gardens Conservation Area) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional and amended condition.

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

Additional condition

6 APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable for the front garden of the property shall be submitted to and approved in writing by the Local Planning Authority which includes:

- i. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/planting densities where appropriate;
- ii. an accurate plot of all existing planting to be retained and to be lost and;
- iii. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

#### Reason

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

#### Amended condition

#### 2 APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. For the avoidance of doubt, these details shall include timber, side-hung garage door and front door **and notwithstanding the plans hereby approved, the rear extension shall also be finished in facing brick to match the existing dwelling.** It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

#### Reason

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

#### RECORDED VOTE

FOR: Councillors Mrs Blatchford, Cunio, Inglis, Lewzey and Lloyd  
ABSTAINED: Councillor Norris

**NOTE:** Councillor Claisse declared an interest and withdrew from the meeting for the consideration of this item.

12. **23 KITCHENER ROAD SO17 3SF 13/00270/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 part single-storey, part two-storey side and rear extensions (resubmission of 12/01698/FUL).

Mr Sohal (on behalf of the applicant), Mr Banyard (Agent) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the proposal was for 3 bedrooms on the first floor, making 5 bedrooms in total rather than what was stated in the report. A letter had also been received from the applicant stating that no objections had been received from adjoining neighbours at 21 and 25 Kitchener Road.

**RESOLVED** to **grant** planning permission subject to the conditions listed in the report.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Cunio, Lewzey and Lloyd  
AGAINST: Councillors Claisse and Norris  
ABSTAINED: Councillor Inglis

13. **25 RIPSTONE GARDENS SO17 3RF 13/00271/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 part single storey, part two storey side and rear extensions (resubmission of 12/01811/FUL).

Mr Sohal (Applicant), Mr Banyard (Agent) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an error in the floor plans for the first floor, as the room marked "Bedroom 2" should be marked "Bathroom".

**RESOLVED** to **grant** planning permission subject to the conditions listed in the report.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Cunio, Lewzey and Lloyd  
AGAINST: Councillors Claisse and Norris  
ABSTAINED: Councillor Inglis

14. **23 WOODSIDE ROAD SO17 2GU 13/00510/FUL**

The Panel considered the report of the Planning and Development Manager recommending refusal 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).

Change of use from a dwelling house (Class C3) to a house in multiple occupation (HMO, Class C4) for up to 5 persons.

Mr Sharma (Applicant) and Councillor Vinson (supporting) (Ward Councillor) was present and with the consent of the Chair, addressed the meeting.

**RESOLVED** to delegate to the Planning and Development Manager to **grant** planning permission.

#### Reason for Granting Permission

Change of use from a Dwelling House (Class C3) to a House in Multiple Occupation (Class C4) for up to 5 persons was granted based on the unique personal circumstances of the applicant.

**NOTE:** Councillor Inglis was absent for this item.

#### 15. **ACORN WORKSHOPS, EMPRESS ROAD 13/00205/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. Demolition of the existing buildings and erection of single-storey and two-storey buildings to provide industrial and office uses (Class B1 - 1,091 square metres floorspace) (departure from policy).

Mr Harwood (Applicant) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to Condition 8.

#### **RESOLVED**

- i) to delegate to the Planning and Development Manger to **grant** planning permission subject to the receipt of amended plans removing 2 visitor parking spaces to improve driver sightlines and pedestrian safety on Empress Road and the completion of a S106 Legal Agreement to secure the conditions listed in the report and an amended condition, set out below;
- ii) that in the event that the legal agreement and amended plans are 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 / or highway safety grounds;
- iii) to delegate to the Planning and Development Manager to amend the S106 and / or conditions as necessary.

Amended condition

08 APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of **very good** against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

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).