
PLANNING AND RIGHTS OF WAY PANEL (EAST)
MINUTES OF THE MEETING HELD ON 28 OCTOBER 2014

Present: Councillors Lewzey (Chair), Denness (Vice-Chair), Hecks, Norris and Tucker

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

It was noted that following receipt of the temporary resignation of Councillor Fitzhenry from the Panel, the Head of Legal and Democratic Services acting under delegated powers, had appointed Councillor Norris to replace them for the purposes of this meeting.

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

RESOLVED that the minutes of the meeting held on 30 September 2014 be approved and signed as a correct record.

26. **LAND TO REAR OF 28 TO 58 WINCHESTER ROAD AND REAR OF 204-218 WARREN AVENUE, SOUTHAMPTON 14/00676/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.

Redevelopment of the site to the rear of 28-64 Winchester Road and 204-218 Warren Avenue to include the construction of a new part two-storey and part three-storey building to provide 14 flats (nine x two bedroom, three x three bedroom, two x four bedroom) with access from Warren Avenue.

The Panel noted that consideration of this item had been adjourned at the previous meeting in order for the Panel to attend an accompanied site visit to assess the impact of the revised car parking layout on existing access. A site visit was undertaken on 9th October 2014 where Panel Members were able to view the site and the location of the proposed car parking area.

The Chair reminded those in attendance that, as an adjourned item, public speakers had been heard at the previous meeting and there would be no further public speaking on the item.

The presenting officer reported that six additional representations had been received following the re-consultation regarding the revised parking plans and the Panel's site visit and that no fresh issues or comments had been raised.

RESOLVED that the Planning and Development Manager be given delegated powers to grant planning permission subject to the completion of a S106 legal agreement, the conditions in the report and the additional condition as set out below:

Additional Condition

30. APPROVAL CONDITION – Dry risers

Prior to the commencement of development, full details of dry risers to serve the development be submitted to and agreed in writing with the Local Planning Authority. The development be implemented in accordance with the agreed details.

REASON:

Although the 2.8 metre wide access is sufficient for a fire engine, as this access is used by third parties on a regular basis, it was deemed necessary to secure alternative provision for dealing with an emergency.

RECORDED VOTE to grant planning permission:

FOR: Councillors Hecks and Lewzey

AGAINST: Councillor Tucker

NOTE: Voting was restricted to those members of the Panel who had considered the item prior to its adjournment and who had then attended the site visit.

27. **13 GROSVENOR ROAD, SOUTHAMPTON SO17 1RU 14/00999/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.

Conversion of existing building into five flats (two x three-bed, two x two-bed and one x one-bed) with associated parking and cycle/refuse storage.

Jerry Gillen – Highfield Residents' Association and Russell Smith (local residents / objecting) and Councillor O'Neill (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a correction to paragraph 6.1 of the report - to read 'petition with 63 signatures' and not 53.

With the consent of the Chair, the Council's Solicitor to the Panel commented on the barrister's opinion as sought by the Highfield Residents' Association (appended to the report) with regard to the decision of the Planning Inspector (dated 15.8.13 and also appended to the report). The Solicitor to the Panel disagreed with that opinion and indicated specific examples of the evidence the Inspector had referred to and where they had exercised their planning judgement and reached, in his opinion, reasoned conclusions.

RESOLVED to refuse planning permission for the reasons set out below:

Reasons for Refusal

1. - Harm to the amenity of neighbours and character of the area

The proposed creation of five flats would result in a level and intensity of occupation, combined with a pattern of activity to and from the property that would be likely to harm the amenity of neighbours through noise and general disturbance and also be likely to

exacerbate on-street parking difficulties. This in turn would have an adverse impact on the character of this immediate part of the street, which is predominantly comprised of single family occupied dwellings, contrary to the Government's objectives to create stable attractive communities under paragraphs 7 (2nd bullet point), 58 (1st bullet point) and 69 of the National Planning Policy Framework. As such, the proposed conversion of the property to one which would be multiply occupied by five dwellings with shared integral cycle store and common refuse facilities, and with inconvenient access to a relatively remote common garden space for three flats, would be contrary to the following policies of the Development Plan for Southampton:

Local Plan Review (March 2006) - 'saved' policies SDP1 (i), SDP7 (v), SDP16 (i), H1 (iv), H2 (iii) and H4 (i)/(ii).

Local Development Framework Core Strategy (January 2010) - policies CS5 (1) and CS13 (11).

2. – Parking Permit Restriction

In the absence of a satisfactory legal agreement to ensure that these flats will not seek access to parking permits to park in the neighbouring controlled parking zones; the Local Planning Authority considers that the scheme fails to mitigate against its direct impact and could result in overspill car parking taking place from the development, which would give rise to an unacceptable risk of serious inconvenience and danger arising from increased parking demand in Grosvenor Road. As such the proposals conflict with the guidance contained in s.4.2 of the Parking Supplementary Planning Document (2011) and with the aims of Policy CS19 of the adopted LDF Core Strategy Policy (2012).

RECORDED VOTE to refuse planning permission:

FOR: Councillors Denness, Hecks, Norris and Tucker

ABSTAINED: Councillor Lewzey

28. 47 HIGHFIELD LANE, SOUTHAMPTON 14/01327/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.

Erection of a single storey rear extension to double garage and alterations to facilitate conversion to ancillary burger / drinks bar.

Demetrakis Hajiantoni (applicant) and Jane Patchett (local resident / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a correction to paragraph 1.1 of the report in that the licensed hours should have been "Sunday to Wednesday 9.00am to 00.30am", not Sunday to Monday; and the receipt of a parking survey which showed limited/nil spaces on site and on-street between 8pm to 9pm.

RESOLVED that planning permission be granted subject to the conditions in the report and the amended and additional conditions set out below:

Amended Conditions

07. APPROVAL CONDITION - No Amplified Noise/live music and management plan
No amplified noise/music or live music to be provided within the external space of 47 Highfield Lane (meaning within the existing beer garden) or from within or external to the converted garages unless otherwise agreed in writing by the Local Planning Authority and these details be included in a Management Plan to be submitted to and agreed in writing by the Local Planning Authority prior to the first use of the converted garages as a burger bar and/or takeaway. The approved management plan to also include means of preventing patrons from gathering in the existing car park and details of appropriate signage explaining the need to respect the existing neighbour's amenity. The development to be operated in accordance with the agreed details.

REASON:

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

09. APPROVAL CONDITION - Boundary fence [Pre-Occupation Condition]
Before occupation of the development, details of the design and specifications of the boundary treatment of the site to be submitted to and approved in writing by the Local Planning Authority. These details to include means for screening the development from Roselands Gardens. The agreed boundary enclosure details to be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment to be thereafter retained and maintained to the boundaries of the site.

REASON:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

Additional Conditions

15. APPROVAL CONDITION – Litter Management Plan

Prior to the first use of the garage building as a bar and/or takeaway, the applicant to submit a litter management plan ('the Plan') for the site to the Local Planning Authority for approval in writing. The development to only be brought into use following the approval by the Local Planning Authority of the Plan and shall be operated in accordance with its details.

REASON:

To ensure that the intensification of use does not result in additional litter in surrounding streets to the detriment of residential and visual amenity.

16. APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

The existing tree which sits in front of the application building on the site's boundary with Roselands Gardens to be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted to commence on site until the tree protection has been erected. The fencing to be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority, following which it shall be removed from the site. Furthermore, no storage of goods including building materials, machinery and soil, to take place underneath the crown spread of the trees to be retained on the site. There is to be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater and no fires on site.

No discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

REASON:

To preserve the said trees in the interests of the visual amenities and character of the locality.

29. **TESCO EXPRESS, 12-18 COBDEN AVENUE, SOUTHAMPTON, SO18 1FX**
14/01480/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.

Variation of Condition 5 (opening hours) and Condition 9 (plant hours) of planning permission reference 07/00156/FUL to extend opening hours and use of the plant and service yard two hours extra per day to 6am - 00.00 (midnight) seven days a week.

Paul Manning (agent) was present and with the consent of the Chair, addressed the meeting.

RESOLVED that planning permission be granted subject to the conditions in the report and the amended condition set out below:

Amended Condition

APPROVAL CONDITION - Noise from plant

The rating level of noise emitted by all fixed plant on the site not to exceed 42 dB(A) between 00:00 to 06:00 and 48 dB(A) at other times. The noise levels to be determined one metre from a facade containing a bedroom window at the nearest existing noise sensitive property. Noise measurements to be in accordance with BS 4142:1997.

REASON:

To protect the amenities of occupiers of neighbouring residential properties.

RECORDED VOTE to grant planning permission:

FOR: Councillors Denness, Hecks, Lewzey and Tucker
AGAINST: Councillor Norris

30. **228 WEST END ROAD, SOUTHAMPTON SO18 6PN 14/01501/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.

Change of use of a residential room for hairdressing business (retrospective - resubmission of 14/00597/FUL to amend approved hours of operation).

Simon McCosh (applicant) and Councillor Hecks (local resident / objecting) were present and with the consent of the Chair, addressed the meeting.

RESOLVED that planning permission be granted subject to the conditions listed in the report.

NOTE: Councillor Hecks declared an interest in the above application, as a local resident he addressed the meeting and left before the determination of the item.