
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 14 FEBRUARY 2012

Present: Councillors Jones (Chair), Mrs Blatchford, Cunio, L Harris, Osmond, Thomas and B Harris

Apologies: Councillor Claisse

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

The Panel noted that Councillor B Harris was in attendance as a nominated substitute for Councillor Claisse in accordance with Procedure Rule 4.3.

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

RESOLVED that the Minutes of the Meeting held on 17th January 2012 be approved and signed as a correct record.

91. **39 ARCHERS ROAD / 11/01336/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. Demolition of the existing building and erection of a part 3-storey, part 4-storey and part 5-storey building to provide 20 flats (7 x 1-bedroom, 7 x 2-bedroom and 6 x 3-bedroom) with associated storage and parking. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Puplampu (Agent), Ms Wilson and Mr Wilson (objecting) (Local Residents) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an adjustment to Condition 23 so that it should read:

23. APPROVAL CONDITION - Obscure Glazed Windows [performance condition]

Before the development first comes into occupation, the windows on the east-facing side elevation of the development hereby approved shall be obscurely glazed and non-opening up to a height of 1.7 metres from the internal floor level. The windows shall be thereafter retained in this manner.

REASON

In the interests of the privacy of the neighbouring residential occupiers. (i.e. delete word 'not' and insert word 'be').

RESOLVED that planning permission be refused for the following reasons:

RECORDED VOTE:

FOR: Councillors Cunio, B Harris, L Harris, Jones

AGAINST: Councillors Mrs Blatchford, Osmond, Thomas

1. Refusal reason – Inadequate level of car parking

Notwithstanding the council's adopted Supplementary Planning Document (SPD) on Parking Standards, which are expressed as maximum quantum of parking that can be proposed to serve new development, the council considers that the provision of 10 parking spaces would be inadequate to help meet the travel demands of occupiers of the new flats. In particular, it is considered that this would provide a poor level of amenity for occupiers of the new flats with poor surveillance of any vehicles that would need to be parked off-site. And it is considered that it would harm the amenity of adjoining residents by exacerbating on-street parking difficulties, owing to overspill parking being generated by the new flats, which cannot be accommodated on site. As such, the proposed development is considered to be contrary to the following Policies from the Development Plan for Southampton:-

City of Southampton Local Plan Review (March 2006) 'saved' policies SDP1 (i – particularly the guidance set out in paragraphs 5.2.12-5.2.13 of the Residential Design Guide SPD [September 2006]) and SDP10 (ii);

City of Southampton Local Development Framework Core Strategy Document (January 2010) policies CS13 (4)/(10)/(11).

2. Refusal reason - Poor quality of design

The proposed development is considered to exhibit the following aspects of poor quality design, which are considered harmful to the character and appearance of the surrounding area and amenities of adjoining residential occupiers:-

(i) The elevational treatment of the building appears to have been drawn from surrounding modern built form that is considered to be unattractive – particularly Overdell Court, opposite the site. The Residential Design Guide SPD, at paragraph 3.10.2, calls for new high quality 21st Century contemporary architecture for the city that makes appropriate reference to the local vernacular architecture.

(ii) Notwithstanding the closer proximity of the existing building on the site to No. 37 Archers Road, the council considers that the new building would produce harmful shading to existing habitable room windows in the side elevation of 37 Archers Road, as it faces the application site. This would be particularly so at ground floor level in the mid to late afternoon.

The proposals are therefore considered to be contrary to the following Policies from the Development Plan for Southampton:-

City of Southampton Local Plan Review (March 2006) 'saved' policies SDP1 (i – particularly the guidance set out in paragraphs 2.2.1, 2.2.12 and 3.10.2 of the Residential Design Guide SPD [September 2006]) and SDP7 (v), SDP9 (i)/(v) and H2 (iii);

City of Southampton Local Development Framework Core Strategy Document (January 2010) policies CS13 (1)/(2)/(11).

92. **ROSEBANK COTTAGE, STUDLAND ROAD, SO16 9BB / 11/01936/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.

Re-development of the site. Demolition of the existing building and erection of two and three storey buildings to provide 9 x two-bedroom flats and 22 houses (5 x two-bedroom, 16 x three-bedroom and 1 x four-bedroom units) with associated access, parking and landscaping works. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED unanimously to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and subject to the following amended and additional conditions:

Amended Condition

19. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 3, including at least 20% in Category Ene1, of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

To ensure the development has minimised 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).

Additional Conditions

24. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the Phase 1 Ecological Assessment by PV Ecology submitted with the application which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

REASON

To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

25. APPROVAL CONDITION - Boundary Fence (Pre-Occupation Condition)

House numbers 13 to 22 (inclusive) hereby approved shall not be first occupied until the 2.5 metre high close boarded fence as shown on approved drawing number

110215/SL/PL1 Rev E has been installed. A close boarded fence of this height shall subsequently be retained thereafter.

REASON

To safeguard the security and privacy of the adjoining school premises.

26. APPROVAL CONDITION - Cycle storage details (Pre-occupation condition)

The houses hereby approved shall not be first occupied until covered and secure cycle storage facilities have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be retained thereafter.

REASON

In the interests of encouraging sustainable transport choices in accordance with Core Strategy Policies CS18 and CS19.

93. 115-121 WILTON AVENUE / 11/01836/OUT

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.

Re-development of the site to provide a part three-storey, part four-storey and part five-storey building to provide a retail unit on the ground floor and 27 self contained student flats with associated refuse, cycle and car parking (Outline application seeking approval for access, appearance, layout and scale). (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Wiles (Agent), Mr Clark, Miss Baker, Mr Stacey, Mrs Barter (objecting) (Local Residents) and Mrs Gara (objecting) (Community Action Forum) were present and with the consent of the Chair, addressed the meeting.

RESOLVED that planning permission be refused for the following reasons:

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Cunio, B Harris, L Harris, Osmond

AGAINST: Councillors Jones, Thomas

1. Refusal reason - Impact on character of the area

The proposed development by reason of its bulk, scale, massing and design is out of keeping with the character of the surrounding area and would thereby have a harmful impact on the street scene and prove contrary to the provisions of policy CS13 (1, 2 and 11) of the Southampton Core Strategy Development Plan Document (January 2010) and policies SDP1(i), SDP7 (iv) and SDP9 (i) (iv) (v) and as supported by section 3 of the Residential Design Guide Supplementary Planning Document (September 2006)

2. Refusal reason - Impact on residential amenity

The proposed development by reason of its height and massing would have a harmful impact on the amenities of the occupiers of the neighbouring property at 113 Wilton Avenue and would appear over-bearing when viewed from the neighbouring property. The development would therefore prove contrary to the provisions of policy CS13 (1, 2 and 11) of the Southampton Core Strategy Development Plan Document (January 2010), policies SDP1 (i), SDP7 (iv) and SDP9 (i) (iv) (v) and as supported by the Residential Design Guide Supplementary Planning Document 2006 (section 2.2).

3. Refusal reason - Overdevelopment

The proposal would represent an overdevelopment of the site by reason of the site coverage by building and hard-surfacing exceeding 50% of the site area. The proposal would therefore have a harmful impact on the character of the area of prove contrary to the provisions of policy CS13 (1, 2 and 6) of the Core Strategy Development Plan Document (January 2010), policies SDP1 (i), SDP7 (ii) (iii) (iv) and SDP9 (i) of the City of Southampton Local Plan Review (adopted March 2006) and as supported by paragraphs 3.9.1 to 3.9.2 of the Residential Design Guide Supplementary Planning Document (September 2006).

4. Refusal reason - Failure to enter into S106 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) Site specific transport works for highway improvements in the vicinity of the site (including a TRO to secure parking restrictions on Bassett Green Road) 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.

b) 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.

c) 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;

d) In the absence of a mechanism for securing a student intake management plan, the development would fail to address how the changeover of students would be managed to avoid causing disruption of local residents and harming the safety and convenience of the users of the adjoining highways.

e) In the absence of a mechanism for restricting the ownership of parking permits by prospective residents, that the proposal would not generate excessive overspill car parking which would be to the detriment of the convenience of the users of the adjoining highways.

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.

94. **58 WEST END ROAD / 11/01987/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 and extension of the existing building, erection of a new two-storey building on the West End Road frontage and two bungalows at the rear backing onto Panwell Road, to provide a total of 10 residential units (2 x three bedroom bungalows, 7 x two bedroom flats and 1 x one bedroom flat) with associated parking, vehicular access from West End Road and landscaping. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Goodwill (Agent), Mr Dawson, Mrs Reed and Miss Goodyear (supporting) and Mrs Hogan (objecting) (Local Residents) were present and with the consent of the Chair, addressed the meeting.

RESOLVED unanimously to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and subject to the following amended condition and additional clause in the S106 agreement:

Amended Condition

22. APPROVAL CONDITION - Boundary enclosures [Pre-commencement Condition]

Prior to the commencement of development the following means of enclosure shall be constructed:-

- (i) a continuous 2 metre high brick wall shall be built along the common northern boundary of the site with 60 West End Road; and,
- (ii) a continuous 1.8 metre high close-boarded timber fence shall be constructed along the eastern site boundary with Panwell Road.

Notwithstanding the landscaping plan hereby approved, prior to the occupation of the development hereby approved, details of the design and specifications of the site boundary treatment of the site's western and southern boundaries and all means of enclosure to be formed within the site shall be submitted to and approved in writing by the Local Planning Authority. These other agreed means of enclosure additional to (i) and (ii) above shall be subsequently erected prior to the occupation of any of the units provided under this permission. All means of enclosure shall thereafter be retained and maintained in good repair, particularly that to Panwell Road.

Reason:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property and to ensure no through access is created to Panwell Road.

Additional Clause in S106

A construction management plan is required to be submitted by the developer to ensure as far as reasonably practicable that all contractors' and sub-contractors' vehicles connected with the construction of the development are accommodated within the site area.

95. **24-28 JOHN STREET / 11/01625/OUT**

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.

Erection of a 4-storey building to provide 19 self contained student residential units with a commercial unit (Class B1) on the ground floor and associated parking and refuse storage (outline application seeking approval for access, layout, scale and appearance). (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Wiles (Agent) and Ms Stockwell (supporting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

RESOLVED unanimously to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and subject to the following amended condition and additional clause to the S106 agreement:

Amended Condition

02. APPROVAL CONDITION - Additional Details Required Condition

Details of the following particulars of the proposed development in addition to the submission of Matters Reserved from the Outline Planning Permission hereby approved shall be submitted to and approved in writing by the Local Planning Authority (or on behalf of the Secretary of State for the Environment on appeal) prior to the commencement of development :

(A) In addition to Reserved Matters for the appearance and design of the building(s) a detailed plan specifying the external materials, including colour finish, to be used on the building.

[B] Details of the treatment to the boundaries of the site, and all screen walls or fences within the proposed development including privacy screen details to be provided at rooftop level;

[C] Details at no less than 1:10 scale of any rainwater goods, vents or flues to be provided on the front elevation including colour finish and materials.

[D] Details at no less than 1:10 scale, including sections where necessary, of the detailing of all windows and doors including the depth of recesses and dimensions of

frames and glazing bars including the horizontal panels to windows on the front elevation, the depth of the recesses to the vertical bands and the design and method of fixing of the balustrades to the Juliet balconies on the rear elevation.

[E] Details of the materials to be used for the external hardsurfacing areas within the site.

(F) Full details of any enclosures to be provided for the refuse storage area and identification of collection points;

[G] Details of any external lighting.

[H] Detailed plans specifying the areas to be used for contractors vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted;

Reason:

To ensure the proposed development is undertaken to a standard appropriate for the sensitive location adjacent to the Conservation Area

Additional Clause in S106

The developer is required to submit a management plan to ensure as far as reasonably practicable that neighbours can contact the persons appointed to manage the building, should neighbours have any concerns, such as noise emanating from the building or refuse becoming untidy. In particular, a telephone contact number shall be supplied to the occupier of 26 John Street and if this changes during the life of the development approved under 11/01625/OUT, any new contact number shall be advised to the occupier of 26 John Street.

96. **GRACECHURCH HOUSE, 25-35 CASTLE WAY / 11/01844/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.

Alterations and extensions involving raising the height of the building and change of use from offices into an 84 room hotel. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED unanimously to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and subject to the following additional condition:

Additional Condition

15. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the

course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

97. **ENFORCEMENT UPDATE IN RESPECT OF 3 BEDFORD PLACE, SOUTHAMPTON**

The Panel considered the report of the Planning and Development Manager in respect of serving a Planning Enforcement Notice at 3 Bedford Place. (Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED unanimously

- (i) that it was not possible to serve a planning enforcement notice and that case 11/00303/ENUDEV be formally closed;
- (ii) that no further planning enforcement action be taken in respect of the premises trading outside the hours specified in the description of development set out in decision notice 7851/1463/P18 dated 4 September 1973.

98. **STREET NAMING - OCEAN DOCK, PORT OF SOUTHAMPTON**

The Panel considered the report of the Head of Planning and Sustainability seeking approval for a street name for the new street built at the head of Ocean Dock within the Port of Southampton. (Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED unanimously that the name 'White Star Way' be approved for the street built at the head of Ocean Dock within the Port of Southampton.

99. **ZAZEN DEVELOPMENTS LTD - ROEBUCK HOUSE 24-28 BEDFORD PLACE**

The Panel considered the report of the Head of Planning and Sustainability in respect of varying the terms of the previous Decision Report dated 20th July 2010 to postpone payment of the affordable housing contribution for up to 3 years provided that the administrator made monthly payments to the Council of £3,000 from the rental income obtained from letting the flats. (Copy of the report circulated with the agenda and attached to the signed minutes).

RESOLVED unanimously that delegated authority be given to the Head of Legal, HR and Democratic Services to enter into a Deed of Variation of the Section 106 agreement crystallising the debt at £205,891, and postponing the payment of the affordable housing contribution for a period of up to 3 years. This was conditional upon a lump sum of £48,000 being paid on completion of the Deed of Variation to bring the Administrator in line with the previous payment arrangement of £3000 per month. Thereafter a monthly payment of £4386 per month to be made by the administrator until the debt was repaid, with provision that should a sale take place within the 3 year period then the entire outstanding affordable housing contribution be discharged.

