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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 23 NOVEMBER 2010

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Present: Councillors Fitzhenry (Chair), Jones (Vice-Chair), Letts (except items 95 and 95), Mead, Osmond and Thomas (except items 93, 94 and 95)

Apologies: Councillor John Slade

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

**RESOLVED** that the Minutes of the meetings held on 28<sup>th</sup> September 2010 and 26<sup>th</sup> October 2010 be approved and signed as a correct record.

**CONSIDERATION OF PLANNING APPLICATIONS**

Copy of all reports circulated with the agenda and appended to the signed minutes.

85. **CEDAR PRESS LTD, ROYAL CRESCENT ROAD - 08 01791 FUL**

Re-development of the site to provide a 100 bedroom hotel and 122 flats (65 x one bedroom, 51 x two bedroom and 6 x three bedroom) in a 25 storey building with associated landscaping, parking and access

Mr Sayle (Agent) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION IN CONJUNCTION WITH THE SECTION 106 LEGAL AGREEMENT COMPLETED 7<sup>TH</sup> SEPTEMBER 2010, WAS CARRIED

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Mead, Osmond and Thomas

ABSTAINED: Councillor Letts

**RESOLVED** that conditional planning approval be granted subject to:-

- (i) the conditions as previously agreed by the Planning and Rights of Way Panel on 26<sup>th</sup> May 2009 and the additional conditions below; and
- (ii) in conjunction with the Section 106 legal agreement completed 7<sup>th</sup> September 2010.

### Additional Conditions:

#### 30 – Balcony Details

Prior to any development commencing, detailed plans of the balcony details shall be approved in writing with the Local Planning Authority at not less than 1:20 scale which include under balcony supports, hand-rails and the relationship of the glazed balcony finish with cladded balcony finish. The development shall proceed in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

#### REASON

To ensure the development is undertaken in a satisfactory manner.

#### 31– Material Treatment of Balconies

Notwithstanding the plans approved, prior to the commencement of the development a schedule of the material treatment of the balconies shall be submitted to the Local Planning Authority for approval in writing. The details shall include reversing the areas of glazed balconies with the areas which have clad with Rockpanel finish. The development shall proceed in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

#### REASON

In the interests of the visual amenity of the development.

### REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The principal of a tall building in this location, the relationship to the adjacent Conservation Area and Listed Buildings, and the potential for influencing the ecology of the area have been assessed as acceptable and appropriate in relation to this scheme. Notwithstanding the concerns raised by English Heritage, the development would make a positive addition to the Southampton Skyline and the amendments to the balconies as secured by planning condition would improve the appearance of the building. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, Planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, NE4, HE1, HE3, CLT1, CLT5, CLT6, H1, H2 and MSA1 of the City of Southampton Local Plan Review Adopted Version (March 2006). Policies CS1, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

#### 86. **14 WESTWOOD ROAD - 10/01013/FUL**

Retrospective application for change of use from a single dwelling house (Use Class C3) to a 9-bed House in Multiple Occupation (Sui Generis) and a 5-bedroom House in Multiple Occupation (Use Class C4)

Mrs Barter (Local Resident) and Mr Claisse (Highfield Residents Association) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT  
CONDITIONAL PLANNING PERMISSION WAS CARRIED

RECORDED VOTE:

FOR: Councillors Jones, Letts, Mead, Osmond and Thomas  
ABSTAINED: Councillor Fitzhenry

**RESOLVED** that planning approval be granted subject to the conditions in the report and the amended conditions set out below.

### Amended Conditions

#### 3 - Landscaping, lighting and means of enclosure detailed plan

Notwithstanding the submitted details within one month of the date of this consent, a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority which includes:

- (i) proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- (ii) 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;
- (iii) an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- (iv) details of any proposed boundary treatment, including retaining walls; and
- (v) 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.

#### 5 – Restriction on number of occupiers

The Sui Generis House in Multiple Occupation (HMO) shall only be used for a maximum of 9 residents and for no other purpose unless otherwise agreed in writing by the Local Planning Authority and the Use Class C4 HMO shall only be used for a maximum of 6 residents and for no other purpose unless otherwise agreed in writing by the Local Planning Authority. The communal lounges and kitchens as shown on the plans shall be retained for the communal use of the occupants of the properties.

#### REASON:

To define the planning permission and to ensure that the HMO meets Council's standards.

#### REASONS FOR THE DECISION

The development has been assessed as being acceptable to residential amenity and its local residential context taking into account the policies and proposals of the Development Plan as set out below. Other material considerations do not have sufficient weight to justify a refusal of the application for the reasons given in the report to the Planning and Rights of Way Panel on the 23 November 2010. The proposal would not harm the character or amenity of the area and the level of car parking is acceptable. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP7 and H4 of the City of Southampton Local Plan Review - Adopted March 2006. Policy CS16 of the Local Development Framework Core Strategy - January 2010.

#### 87. 5 NORTHWOOD CLOSE - 10/01311/FUL

Addition of a new first floor to the existing building to facilitate conversion into 1x3-Bed and 3x2-Bed Flats with associated parking and cycle/refuse storage (description of development amended following amended plans received on 18th November 2010)

Mr Foster-Rice (Agent) Mr Moied (Applicant), Mr Tucker (Local Resident) and Councillors Harris and Samuels (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

The Panel noted the revised officer recommendation, to delegate authority to the Planning and Development Manager to grant conditional permission upon the expiry of the reconsultation period provided that no new material considerations were raised, owing to the decision to reconsult following the submission of amended plans resulting in a material change to the description of development representing a lesser form of development in terms of the mix of accommodation.

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER RECOMMENDATION THAT AUTHORITY BE DELEGATED TO THE PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION PROVIDED THAT NO NEW MATERIAL CONSIDERATIONS ARE RAISED DURING THE 14 DAY RE-CONSULTATION PERIOD, WAS CARRIED WITH THE CHAIR'S SECOND AND CASTING VOTE

RECORDED VOTE:

FOR: Councillors Fitzhenry, Letts and Thomas

AGAINST: Councillors Jones, Mead and Osmond

**RESOLVED** that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-

- (i) the conditions in the report and the amended and additional conditions set out below; and
- (ii) no new material considerations following 14 day re consultation period.

Amended Conditions

4 - Amenity Space Access

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units numbered 3 and 4, except for the external private amenity spaces allocated to the flat units numbered 1 and 2 in accordance with the approved plans received by the Local Planning Authority on 18th November 2010.

REASON:

To ensure the provision of adequate amenity space in association with the approved flats.

5 - Landscaping, lighting and means of enclosure detailed plan

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, for approval in writing by the local planning authority, which includes:-

- (i) car parking layouts; other vehicle pedestrian access and circulation areas;
- (ii) hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- (iii) details of any proposed means of enclosure/boundary treatment, including retaining walls;

The approved details for the whole site shall be carried out prior to occupation of the building and thereafter be retained whilst the building is used for residential purposes.

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 (as amended).

12 - Storage / Removal of Refuse Material

The development hereby approved shall not be occupied until the provision has been made in accordance with the approved plans for refuse and recycling storage and collection area accessible with a level approach has been provided, including accommodation and provision of separate bins for the separation of waste to enable recycling. The refuse storage and collection area shall thereafter be retained whilst the

building is used for residential purposes in accordance with the approved refuse management plan received by the Local Planning Authority on 18th November 2010.

REASON:

In the interests of protecting highway safety and visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

### 13 - Cycle parking

The development hereby approved shall not be occupied until provision has been made within the site in accordance with approved plans for covered, enclosed and secure bicycle parking to provide for a minimum of 4 bicycles with the installation of Sheffield style stands and such space shall not thereafter be used other than for the purposes for which it is provided.

REASON:

To accord with sustainable transport policy aimed at providing a choice of travel mode available for the staff of the premises by enabling adequate provision of a facility which is likely to reduce the amount of vehicular traffic on existing roads.

### Additional Conditions

### 15 - Glazing panel specification

The window in the side elevation of flat 3 hereby approved [to the room indicated as bathroom] shall be glazed in obscure glass and shall only have a top light opening. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

REASON:

To protect the privacy enjoyed by the occupiers of the adjoining property.

### 16 - Replacement trees

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement tree for every single tree removed, unless it is agreed otherwise with the Local Planning Authority that there are sound arboricultural management reasons for not replacing trees on that basis.

The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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 (as amended).

#### 17 - Accommodation mix

The mix of accommodation hereby approved shall remain as shown on the approved plans, and at no time shall the number of bedrooms in each unit shall be intensified. In particular, Flat 3 shall only have a maximum of 2 bedrooms in accordance with the applicant's email dated 22nd November 2010.

#### REASON:

Because Policy CS16 of the City of Southampton's Core Strategy (January 2010) requires 3 bedroomed dwellings to have direct access to their own private amenity space, which cannot be provided for flat 3 and also in the interests of protecting the residential amenity of the neighbouring occupiers from intensified use of the site.

#### 18 – Contractors' Compound

No commencement of work pertaining to this permission shall be carried out on the site unless and until there is available within the site, provision for all temporary contractors buildings, plant and storage of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site; and the provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the phased works and other operations on the site throughout the period of work required to implement the development hereby permitted in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

#### REASON:

To avoid undue congestion on the site and consequent obstruction to the access in the interests of road safety.

#### 19 - Construction Environment Management Plan

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 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 and trees covered by the Tree Preservation Order covering the site.

#### 20 - Wheel Cleaning Facilities

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

#### REASON:

In the interests of highway safety.

#### 21 - Hours of work for Demolition / Clearance / Construction

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday      08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays              09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

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

#### 22 – Access to Bassett Green Road

The development hereby approved shall not be occupied until details have been submitted and agreed in writing with the Local Planning Authority to stop up the existing access onto Bassett Green Road and thereafter implemented in accordance with the agreed details. No other means of access shall be provided to the site other than the existing access from Northwood Close.

REASON:

In the interests of providing a secure residential environment for the future residents, and protect the highway safety of the users of Bassett Green Road.

### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The design and scale of the development responds successfully to the context and character of the immediate area. It results in no net loss of a family home by providing a unit suitable for family occupation with an additional mix of housing types, which make a positive contribution to the mix of housing available within this location. It also provides an appropriate residential environment for future occupants of the site without adversely affecting the residential amenity of neighbouring dwellings. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

'Saved' Policies - SDP1, SDP5, SDP7, SDP9, H1, H2, 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, CS16, CS19, and CS20 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing 2010) are also relevant to the determination of this planning application.

#### 88. HARCOURT MANSIONS, WHITWORTH CRESCENT - 10/00965/FUL

Redevelopment of the site. Erection of a part 3-storey part 2-storey building comprising 3x2-bed houses, 1x3-bed house and 3x2-bed flats with associated parking and cycle/refuse storage

Mr Reay (Agent) and Mrs Simmons (Thekchen Buddhist Centre) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY



## **RESOLVED**

- (i) that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-
  - (a) the conditions in the report, the amended and additional conditions below;
  - (b) the applicant entering into a Section 106 Legal Agreement to secure:
    1. a financial contribution towards the provision of public open space in accordance with Policy CS25 of the Core Strategy (January 2010), Policy CLT5 of the adopted City of Southampton Local Plan and applicable SPG;
    2. a financial contribution towards the provision of a new children's play area and equipment in accordance with policy Policy CS25 of the Core Strategy (January 2010), Policy CLT6 of the adopted City of Southampton Local Plan and applicable SPG;
    3. provision of affordable housing in accordance with LDF Core Strategy Policy CS15;
    4. site specific transport obligation for highway improvements in the vicinity of the site in accordance with appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
    5. a financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG;
    6. a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
- (ii) that the Planning and Development Manager be authorised to refuse permission should the Section 106 Agreement not be completed within two months from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

## **Amended Conditions**

### 4 - Landscaping, lighting and means of enclosure detailed plan

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted for approval in writing by the local planning authority, which includes:

- (i) proposed finished ground levels or contours; means of enclosure; car parking surface treatment, surface treatment for pedestrian access and circulation areas, all other hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- (ii) 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;

- (iii) an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- (iv) details of any proposed boundary treatment, including hedges and retaining walls; and a detailed specification for the northern boundary between the site and 76 Whitworth Crescent.
- (v) 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.

The boundary specification agreed under (iv) above, shall be fully implemented before any of the dwellings hereby approved are first occupied and subsequently maintained and retained at the approved heights at all times thereafter.

REASON:

To ensure an appropriate landscaped setting for the development, to safeguard preserved trees on the site, in the interests of crime prevention and privacy and also to safeguard pilot safety for aircraft approaching and departing Southampton airport.

#### 8 - Renewable Energy - Micro-Renewables

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development by 20% as required in core strategy policy CS20 must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

### Additional Conditions

#### 13 - Stopping up existing access

Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

#### REASON:

To provide safe access to the development and to prevent congestion on the highway.

#### 14 - Sightlines specification

Sight lines at the access points to the site shall be agreed in writing with the local planning authority and then provided before the first occupation of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of [0.6m / 0.75m] above carriageway level within the sight line splays.

#### REASON:

To provide safe access to the development and to prevent congestion on the highway.

#### 15 - Parking

No dwelling shall be occupied until the parking spaces shown on the approved plans have been laid out and provided and these shall be kept clear and available for that purpose thereafter.

#### REASON:

To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

#### 16 - Cycle and Refuse Store Details

The cycle and refuse store facilities shown on the approved plan shall be provided prior to first occupation of any of the dwellings hereby approved and thereafter retained and maintained for that purpose. No refuse bins shall be left outside these storage areas except for the purpose of collection on collection day only.

#### REASON:

In the interests of the visual amenities of the area.

### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations such as the scale and massing of the development, the impact on the character of the area and amenity of neighbours, the level of parking provision and the impact on protected trees have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SP12, SDP19, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

89. **15 RIPSTONE GARDENS - 10/01296/FUL**

Part two-storey, part single storey side and rear extension to facilitate conversion of existing house into 2 x 3-bed flats with associated parking and cycle/refuse storage

Mr Sayle (Agent), Mr Claisse (Local Resident) and Councillor Vinson (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

**RESOLVED** that planning approval be granted subject to the conditions in the report and the additional condition set out below.

**Additional Conditions**

12 - Use

The flats hereby approved shall only be occupied as a single dwelling house in accordance with Class C3 of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010. The development shall not be occupied as an HMO (including by 3 or more unrelated persons sharing the same basic amenities) without first obtaining planning permission for a change of use.

REASON:

In the interests of the character of the area.

**REASONS FOR THE DECISION**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The reasons for refusal imposed on decision 10/01296/FUL have been overcome. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 23<sup>rd</sup> November 2010 do not have sufficient weight to justify a refusal of the application. The proposed development would be in keeping with the surrounding area and would not have a harmful impact on residential amenity or highway safety where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13 and SDP14 of the City of Southampton Local Plan Review (March 2006) and CS4, CS6, CS13, CS16, CS18, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

90. **HORSESHOE PARK, HORSESHOE BRIDGE, SO17 2NP - 10/00946/TIME**

Erection of a five-storey office building with associated parking and vehicular access from Drummond Drive (Extension of Time)

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

**RESOLVED** that planning approval be granted subject to the conditions in the report and the additional conditions set out below.

#### Additional Conditions

##### 21 - Noise Mitigation

A scheme of noise mitigation measures to ensure that occupiers are not adversely affected from noise disturbance from the adjacent railway transformer compound shall be submitted and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to first occupation and subsequently retained.

REASON:

To ensure a satisfactory form of development.

##### 22 - Public Highway

Details are to be supplied to ensure that the structural integrity of the public highway will not be undermined either during or after the construction process.

REASON:

In the interests of public safety

#### REASONS FOR THE DECISION

The site is safeguarded for light industry and research and development uses under Saved Policy REI11 (xvi) of the Local Plan Review. Whilst office development does not strictly accord with the site specific designation, this use is suitable for the site having regard to the existing permission for office development on the site and having regard to the applicant's unsuccessful attempts to bring industrial use to the site prior to granting application 08/00083/FUL. The development is acceptable taking into account all other relevant policies and proposals of the Development Plan as set out below. Overall the principal scheme is acceptable, particularly as it would bring the site back into employment use. The level of development is appropriate for the site and the form of development is compatible with neighbouring commercial and industrial activities. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted. Policies SDP1, SDP5, SDP7, SDP9, REI11 and REI15 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS7, CS8 and CS13 of the Local Development Framework Core Strategy (January 2010).

#### 91. **17 BASSETT HEATH AVENUE - 10/01365/FUL**

First floor rear extension and erection of car port in front garden

Councillor Samuels (Ward Councillor) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

**RESOLVED** that planning approval be granted subject to the conditions in the report and the additional condition set out below.

Additional Condition

10 - Hours of work for Demolition / Clearance / Construction

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

and at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

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

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The scale and massing of the first floor extension is proportionate to the scale and appearance of the existing dwelling and its neighbours and is not considered to harm the residential amenity of neighbouring dwellings. The design of the proposed car port is consistent with that of the main dwelling. It will not harm the character of the Bassett Heath Avenue Street scene nor will it affect the residential amenity of neighbouring dwellings. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

'Saved Policies' - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policy CS13 and the Council's current adopted Residential Design Guide.

92. **21 TO 25 ST MARYS PLACE, SO14 3HY - 10/00948/FUL**

Change of use from Light Retail/Commercial to a Church (Use Class D1)

Mr Abu (Church Representative / Applicant) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

**RESOLVED** that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to the conditions in the report and the amended and additional conditions set out below.

#### Amended Conditions

##### 8 - Acoustic Report

Prior to the occupation of the hereby approved planning permission, the mitigation measures proposed by the acoustic report and written scheme to minimise noise shall be implemented in accordance with the approved noise report. The agreed measures from the approved noise report shall be retained thereafter in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

##### REASON:

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

#### Additional Conditions

##### 11 - Archaeological investigation

No development shall take place within the site until a plan which details all proposed ground work associated with additional services has been submitted to and approved in writing by the Local Planning Authority. Where ground works are identified as detailed on the submitted plan an archaeological watching brief shall be implemented in accordance with details to be agreed with by the Local Planning Authority prior to the commencement of the development.

##### REASON:

To ensure that the archaeological investigation is initiated at an appropriate point in the development procedure and owing to the archaeological importance of the site.

#### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including surrounding character, impact on amenity, proximity to surrounding residential properties and nearby land uses have been considered and are not judged to have sufficient weight to justify a refusal of the application where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP10, SDP11, SDP13 and SDP16 of the City of Southampton Local Plan Review (March 2006) and CS3, CS13, CS19, and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

93. **APPLICATION TO MODIFY THE DEFINITIVE MAP AND STATEMENT BY ADDING A FOOTPATH**

The Panel considered the report of the Head of Planning and Sustainability seeking the determination of the Panel as to whether or not a specified route has accrued public right of way status by presumed dedication, as defined in Section 31 of the Highways Act 1980. (Copy of report circulated with the agenda and attached to the signed minutes).

Mr Moore (Agent for J Sainsburys) Mr Sillence (Chair of Lordshill Residents' Association) Mr Hodder (Lordshill Community Association), Mr Cantillou, Mrs Hessey and Mr Smith (Local Residents), and Councillors Morrell and Thomas (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that a public right of way subsists over the route specified and has accrued public right of way status by presumed dedication, as defined in Section 31 of the Highways Act 1980 ("the 1980 Act") and that it should be added to the Definitive Map and Statement.

94. **ENFORCEMENT REPORT IN RESPECT OF 141 BURGESS ROAD, BASSETT, SOUTHAMPTON**

The Panel considered the report of the Planning and Development Manager regarding an Enforcement Notice in respect of the unauthorised use of 141 Burgess Road from single, four bedroomed dwelling to use primarily as an office to an architectural practice / property development company / consultant. (Copy of report circulated with the agenda and attached to the signed minutes).

Mr Holmes (Quayside Architects) and Councillor Samuels (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED**

- (i) that authority be granted to the Planning and Development Manager in consultation with the Solicitor to the Council to serve an Enforcement Notice, requiring the unauthorised use of 141 Burgess Road primarily as an office to cease;
- (ii) that service of the Notice be deferred for at least 1 month to allow discussions between the owner and Planning and Development Manager as to whether any other way forward might exist;
- (iii) that should the unauthorised use not cease that authority be given to prosecute such a breach of control via the Magistrates Court; and
- (iv) that assistance be offered to the business(es) operating from the address to find alternative accommodation authorised for office use.



95. **RIVERDENE PLACE, WHITWORTH CRESCENT - BREACH OF THE SECTION 106 AGREEMENT**

(Copy of report circulated with the agenda and attached to the signed minutes).

**RESOLVED** that the item be deferred pending further discussions with the freehold owner.

96. **REVIEW OF 1APP REQUIREMENTS IN RESPECT OF THE VALIDATION OF PLANNING APPLICATIONS**

The Panel considered the report of the Planning and Development Manager regarding a review of requirements in respect of the validation of planning applications. (Copy of report circulated with the agenda and attached to the signed minutes).

**RESOLVED**

- (i) that interim approval be given for the use of the revised validation criteria for the various types of 1 App application form as set out in Appendix 1 of the report, in terms of the validation of all new planning applications received from 1 January 2011; and
- (ii) that approval be given for an 8 week consultation exercise with local agents and the public who use the Planning Service as well as internal and external consultees, to seek their opinion on the revised local validation criteria.