
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 21 December 2010

Present: Councillors Fitzhenry (Chair), Jones (Vice-Chair), Letts, Osmond, Samuels (except Minute 101), Slade (except Minute 100) and Thomas (except Minute 99)

Apologies: Councillor Raymond Mead

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

The Panel noted that Councillor Samuels was in attendance as a nominated substitute for Councillor Mead in accordance with Council Procedure Rule 4.3.

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

RESOLVED that the Minutes of the meeting held on 23rd November 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.

99. **LAND AT FIVE ACRE FIELD, REDBRIDGE LANE - 10/01283/R3CFL**

Re-development of the site to provide a new three-storey Academy and associated buildings, a four court floodlit multi-use games area, grass playing pitch with associated parking, vehicular access off Redbridge Lane, pedestrian access (including provision of signal controlled pedestrian crossing on Romsey Road, upgrading of Romsey Road and Brownhill Road subways and diversion of public right of way), landscaping and ecological enhancement works (including diversion of ditch).

Mr Wiseman (Agent), Councillors Anderdon and Bundy (Test Valley Borough Council and Nursling and Rownhams Parish Council) Ms Badham (Hants Constabulary – Crime Prevention) Mr Fowler (Local Resident) Mr Golding (Principal Redbridge Academy) Mr Lovelock (Southampton City Petanque Club and Millbrook Rugby Club) Councillors Holmes (Ward Councillor and Cabinet Member), Morrell (Ward Councillor) and Moulton (Cabinet Member) were present and with the consent of the Chair, addressed the meeting.

The Panel noted the presenting officers reference to the relevance of the extant South East Plan : Regional Spatial Strategy.

A FURTHER MOTION PROPOSED BY COUNCILLOR LETTS AND SECONDED BY COUNCILLOR OSMOND THAT PLANNING PERMISSION BE DELEGATED

SUBJECT TO THE RESULTS OF A STAGE 1 SAFETY AUDIT IN RESPECT OF AT-GRADE CROSSINGS TO ROMSEY ROAD AND BROWNHILL WAY AND INCORPORATION OF ANY NECESSARY OFF-SITE WORKS INTO THE UNDERTAKING, WAS CARRIED

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Letts, Osmond and Slade

ABSTAINED: Councillor Samuels

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 SUBJECT TO THE APPLICATION NOT BEING CALLED IN BY THE SECRETARY OF STATE FOR DETERMINATION, WAS CARRIED UNANIMOUSLY

RESOLVED

- (i) that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-
 - (a) the Secretary of State for Communities and Local Government not wishing to 'call-in' the application for determination;
 - (b) the results of a Stage 1 safety audit in respect of the proposed Romsey Road at grade crossing and the Brownhill Way crossing and any recommendations flowing from the audit forming part of site specific transport ways;
 - (c) the completion of an undertaking by the applicant to secure:
 1. an agreed series of site specific transport works in accordance with policies CS18, CS19 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) and the re-marking / painting of car parking spaces in the existing recreational car park off Redbridge Lane and removal of bus lay-bys in Romsey Road as part of the off-site highway works;
 2. 3 Traffic Regulation Orders (TRO's) in respect of speed and parking restrictions relating to Romsey Road and Redbridge Lane;
 3. CCTV (linked to SCC control room) and community safety scheme to Romsey Road and Brownhill Way underpasses;
 4. Training and Employment plan;
 5. Quantitative open space replacement to be achieved at the Millbrook Community School site and retained for public use and the arboretum to Milton Community School be appropriated to open space use;
 6. Highway condition survey and repairs to the highway resulting from any damage attributable to the build process;
 7. the application for a footpath diversion order under S.257 of

the Planning Act and payment of the requisite administration charges, as it affects a public footpath;

- (d) the conditions in the report and the amended and additional conditions below; and
- (ii) that authority be delegated to the Planning and Development Manager to adjust the undertaking and planning conditions to facilitate expeditious implementation of the proposals, with Condition 3 – ‘Details of building materials to be used’ to be agreed after consultation with the Chair of Planning and Rights of Way Panel.

Amended Conditions

3 - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form, no works shall commence on the construction of the external elevations of the buildings hereby approved 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. 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.

5 - Sustainability statement implementation [Pre-Occupation Condition]

Prior to the first occupation of the development hereby approved, the submitted sustainability measures shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To minimise overall demand for resources.

7 - Floodlight system/external lighting [Pre-Commencement Condition]

No floodlighting to the MUGA shall be installed on the site until full details of the a written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 “Obtrusive Light Limitations for Exterior Lighting Installations”, by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The details shall include details of an automatic cut off switch - sensitive to British summertime variations - that will control the floodlights. The installation must be maintained in accordance with the agreed written scheme. Within one month of the floodlighting being installed, a report from a competent lighting engineer shall be submitted to the local planning authority, to verify that the predicted lux intensity figures and the limited light spillage contours shown in the submitted report (or any subsequent

alternative report agreed in writing with the local planning authority), have been met and shall if necessary arrange to adjust the rotation and inclination of each luminaire, such that the predicted figures are then met. Once installed, or adjusted as necessary, the luminaires shall be maintained and fixed in that position at all times. All other external lighting shall be installed in accordance with the submitted scheme shown on drawing OAS_E_5051 Sheet 1 Revision: P01, to achieve the lighting levels set out on drawing number: OAS_E_5051 Sheet 2 Revision: P01.

REASON:

To protect the activities of foraging Bats and other protected species, safeguard the amenities of the occupiers of existing nearby residential properties and limit impact to the night sky having regard to the urban fringe character of the site.

8 - Construction method statement [Pre-Commencement Condition]

Before development commences - (but excluding preparatory site establishment, site set-up and access works to form a temporary access to the site [which shall include provision for the bridging over of any ditch] and permanent access to the site directly off Redbridge Lane) - a statement setting out the management of construction operations shall be submitted to and approved by the Local Planning Authority. The statement shall include detailed plans specifying the areas to be used for contractor's 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. No deliveries of construction materials or equipment or removal of demolition materials shall take place between the following times Mondays to Fridays - 08.30 to 09.15 hours and 14.30 to 15.30 hours. The statement shall set out the means by which the construction operations shall be managed to conform to these requirements and the arrangements for complaints about the construction operation to be received, recorded and resolved. The development shall be implemented in accordance with the agreed statement.

REASON:

To protect the amenities of neighbours, those attending the adjoining Cedar Special School and the wider environment, to ensure adequate access and servicing (including a refuse cart) can be maintained to the existing adjacent housing and ensure that no undue associated congestion occurs on the surrounding roads.

9 - Access

The new access to the site from Redbridge Lane shall be provided and made available for use before first occupation of the new school building. Construction traffic shall enter and leave the site via Redbridge Lane only, unless otherwise previously agreed in correspondence with the local planning authority.

REASON:

In the interests of highway safety and to protect the residential amenities of those living close by.

10 - Access construction details [Pre-Construction Condition]

The construction of the new permanent vehicular access to Redbridge Lane shall not be commenced until the Local Planning Authority has approved in writing:-

- (i) a specification for the type of construction proposed for the new access roads including all relevant horizontal cross-sections and longitudinal sections - especially of any proposed speed reduction tables - showing existing and proposed levels together with details of street lighting - referred to in condition 15 below - and the method of disposing of surface water.

- (ii) a programme for the making up of the roads and footpaths.
The access shall be upgraded and made available for use in accordance with the agreed details prior to the new school building coming into use and thereafter retained as approved. With the exception of emergency service vehicles, the new access from Redbridge Lane shall be the only point of entry for vehicles to the site.

REASON:

To ensure the access is constructed to a satisfactory standard.

11 - Foul and surface water disposal [Pre-Construction Condition]

The foul and surface water drainage system to serve the development hereby approved shall not be installed until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority.

REASON:

To prevent flooding and inundation of the foul sewerage system.

Conditions 12 – Sewer Protection and 13 – Water main protection to be combined and each subsequent original condition re-numbered.

12 - Sewer/Water main protection

The developer must implement the submitted measures attached to the agent's e-mail dated 24.1.2011 to protect the public sewer and water main crossing the application site, prior to the commencement of any work in that part of the site and to maintain those measures to the end of the construction period.

REASON:

To protect the sewer and water main to prevent pollution/flooding of the environment.

13 - CCTV system [Pre-Occupation Condition]

Before the use is first commenced details of the submitted scheme for a CCTV system to comprehensively cover the site including all public entry points, car parks, MUGA and new adult football pitch, shall be fully installed and operational prior to the approved school use first commencing. That system shall be maintained in working order and operated at all times when the school is open. Recorded images shall be held for a 1 month period after being made on a daily basis for use by the Police as required.

REASON:

In the interests of crime reduction and visitor/staff/pupil safety.

18 - Playing Pitch Quality [Pre-Commencement/Performance Condition]

Prior to the commencement of the construction of the elevations of the main building hereby permitted, details of a scheme to improve the quality of the proposed adult football pitch, including adequate drainage and a subsequent management programme shall be submitted to and approved by the Local Planning Authority. The works should be sufficient to ensure that the quality of the playing pitches meets the requirements of the school and community use. The approved improvement scheme shall be implemented in full prior to the commencement of use of the development and subsequent management shall be in full accordance with the approved programme.

REASON:

To ensure that the sports pitches are of an appropriate quality and fit for purpose as playing fields.

21 - Playing Pitch Protection [Pre-Commencement/Performance Condition]

The developer must implement the submitted measures attached to the agent's e-mail dated 24.1.2011 to protect the existing playing fields on the wider Five Acre Field, prior to the commencement of any works on site. The submitted measures shall be maintained to the end of the construction period, or until the permanent fencing has been installed.

REASON:

To ensure the safe and efficient use of the existing playing fields at Five Acre Field.

Conditions 25- Archaeological investigation, 26 – Archaeological work programme and 27 - Archaeological damage-assessment to be deleted and replaced by new conditions 24 and 25.

24 - Archaeological investigation

No development (excluding removal of shrubs and trees and the erection of temporary freestanding site fencing) shall take place within the archaeological zone identified on plan TA01 until a programme of archaeological investigation/mitigation/protection has been submitted to, and approved in writing by the Local Planning Authority. All development to be carried out on the wider application site shall be carried out in strict accordance with the submitted Written Scheme of Investigation dated January 2011 and subject to an Archaeological Watching Brief.

REASON:

To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

25 – Archaeological investigation

The developer will secure the *completion* of a programme of archaeological work in accordance with a Written Scheme of Investigation submitted to and approved by the local planning authority. This will ensure that the results of the archaeological evaluation and the subsequent mitigation works, including post-excavation analysis, an appropriate level of publication and the deposition and approval of the site archive will be carried out in a time scale to be agreed between the applicants appointed archaeological contractor and the local planning authority.

REASON:

To ensure that the archaeological investigation is completed.

28 - Use of uncontaminated soils and fill

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

REASON:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

29 - Unsuspected Contamination

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out in/on/under the part(s) of the site

affected unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

REASON:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

30 - Sight lines

Access to the site for all construction purposes shall be from the existing car park on Redbridge Lane until such time as the access onto Redbridge Lane has been constructed with the visibility splays of 2.4m by 70m to the north east, 90m to the south west and maintained as such at all times. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1m above the level of the existing carriageway at any time.

REASON:

In the interest of highway safety.

31 - Landscaping, means of lighting (appearance) and means of enclosure detailed plan

Notwithstanding the submitted details, before the construction of elevations of the main building a detailed landscaping scheme and implementation timetable shall be submitted, this 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 the colour finish 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.

31 - Arboricultural Method Statement [Pre-Commencement Condition]

The development shall be carried out in strict accordance with the recommendations of the arboricultural report DT2604101711 by Marishal Thompson Group dated 21 January 2011.

REASON:

To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

33 - Underpass supervision

Staff shall be on duty to supervise students arriving at, departing from and passing through the site and its immediate environs in accordance with and specified within a management plan to submitted to and approved in writing by the Local Planning Authority before first occupation of the development hereby approved.

REASON:

In the interests of highway safety and crime prevention.

34 - Construction access and routeing

All construction traffic shall enter the site via Redbridge Lane, arriving from and departing to the junction of Romsey Road/Redbridge Lane unless any alternative arrangements from Romsey Road are agreed in correspondence with the local planning authority. That routing agreement shall be observed throughout the construction period. In particular, no such traffic shall pass through the adjacent Hillyfields area to the south-west.

REASON

In the interests of highway safety and residential amenity.

Additional Conditions:

35 - Ecological Mitigation Statement

The existing vegetation along the line of the ditch on the south-western boundary of the site shall be preserved (excluding sections required to be removed to facilitate the establishment of a site parking area, site compound, temporary and permanent site access). Within 3 months of the date of this decision notice, the developer shall submit a programme of habitat and species mitigation and enhancement measures for approval in writing with the local planning authority. Unless otherwise agreed in correspondence with the Local Planning Authority, this programme shall be implemented before the first occupation of the school building.

REASON:

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

36 - Other details sought [Pre-Construction / Performance Condition]

Prior to the construction of the approved bicycle compound, details of the canopy covering to the 240 bicycle parking spaces shown on the site layout drawing shall be submitted to and approved in writing by the Local Planning Authority. The canopy shall be provided within 10 years of the school first opening.

REASON:

As such details have not yet been supplied and to promote the objectives of the submitted Travel Plan attached to the applicant's e-mail dated 20.1.2011.

37 - Travel Plan

When the Academy first opens the submitted Travel Plan attached to the applicant's e-mail dated 20.1.2011, setting out -

- the means whereby the objectives of the Travel Plan are to be promoted and encouraged.
- the means whereby the effectiveness of the Travel Plan can be monitored and recorded.
- aspirational targets for a modal split as between those using the private car and those using alternative modes of transport.
- the means whereby the achievement of the aspirational targets of the Travel Plan can be reviewed and (if necessary) the objectives updated
- agreement that if any off site or on site works are required by the Council to meet the objectives of the Travel Plan that such are to be undertaken by the Director of Children's Services at its own costs in accordance with a timescale that is to be approved by the Council

shall be implemented and its objectives promoted to ensure that (so far as is reasonably practicable) the objectives are met.

REASON:

To promote sustainable forms of travel to the site in the interests of sustainability and highway safety.

38 - Community Use Plan [Pre-Occupation Condition]

Before the Academy first opens the following shall be submitted for written approval by the local planning authority:-

A document setting out details of the use of the school building to include the following:-

- Hours of use
- Which parts of the school building shall be accessed by non-school users
- Management responsibilities
- Local sports partnerships involvement
- Pricing policies and charging regimes, including notification of pricing/charging reviews
- Promotional activities
- the means whereby the objectives of the Community Use Plan are to be promoted and encouraged, including
 - Local sports partnerships
 - Promotional activities
 - Charging regimes

- the means whereby the effectiveness of the Community Use Plan can be monitored and recorded
- the means whereby the achievement of the targets of the Community Use Plan can be reviewed and (if necessary) the objectives updated, including in such reviews Southampton City Council and Sport England.

Once approved that scheme shall be implemented when the Academy is first used and operated at all times thereafter to ensure that the objectives are met, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To promote sport, adult learning, recreation and healthy lifestyles and to secure mitigation for the loss of playing field land on the application site.

39 - Sports Development Plan [Pre-Occupation Condition]

Before the Academy first opens the following shall be submitted for written approval by the local planning authority:-

A document provided by the Director on behalf of the school which is designed to promote sports development within the local community which document shall contain the following:-

- activity targets, including the incorporation of national and local initiatives to promote sport and physical activity
- the means whereby the objectives of the Sports Development Plan are to be promoted and encouraged.
- the means whereby the effectiveness of the Sports Development Plan can be monitored and recorded
- the means whereby the achievement of the aspirational targets of the Sports Development Plan can be reviewed and (if necessary) the objectives updated

Once approved that scheme shall be implemented when the Academy is first used and operated at all times thereafter to ensure that (so far as is reasonably practicable) the objectives are met.

REASON:

To promote sport and healthy lifestyles and to secure mitigation for the loss of playing field land on the application site.

REASONS FOR DECISION

(Reason for granting deemed planning permission)

The development is acceptable taking into account the policies and proposals of the Development Plan. Whereas the proposals involve the development of public open space as a departure from the development plan, quantitative and qualitative improvements to open space on site and in the wider area, with improved sports facilities with community access mitigate for that loss. A package of off-site measures has been put in place to ensure that people reach the site safely and that the overall

impact on the local highways network is acceptable. Planting and landscaping works will mitigate the visual impact of the proposals and biodiversity enhancements have been secured as part of the development. An existing public footpath will be diverted and not unduly affect the right of way, nor greatly lengthen journeys across the 5 Acre Field, otherwise known as the Lord's Hill Outdoor Recreation Centre. Other material considerations do not have sufficient weight to justify a refusal of the application. Where appropriate clauses to the legal undertaking and planning conditions / informatives have been imposed/advised to mitigate any harm identified. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, Deemed Planning Permission should therefore be granted having account of the following planning policies:

'Saved' Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP21, SDP22, NE4, HE6, CLT3, and TI2 of the City of Southampton Local Plan Review (March 2006) as supported by the adopted LDF Core Strategy (January 2010) policies CS11, CS13, CS14, CS18, CS19, CS20, CS21, CS22, CS23 and CS25.

NOTE: Councillor Thomas declared a prejudicial interest in the above item and withdrew from the meeting.

100. **LAND TO THE REAR OF 6 AND 7 CRANBURY TERRACE, SO14 0LH**

Erection of a terrace of 3 x four bedroom four storey dwellings with vehicular access from Rockstone Lane, car parking, landscaping and repairs and extension to front boundary wall.

Mr Patrick (Agent) and Mrs Davies (Local Resident) 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 Fitzhenry, Jones, and Osmond

ABSTAINED: Councillor Letts, Samuels and Thomas

RESOLVED that planning approval be granted subject to the conditions in the report

REASONS FOR DECISION

The development is acceptable taking into account the previous approval under reference 08/01366/FUL and the policies and proposals of the Development Plan as set out below. Other material considerations including the recent appeal decision on land to the rear of 7 Cranbury Terrace, the impact on the character of the conservation area, the privacy and amenity of nearby residents, the level of car parking 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, HE1, HE6, H1, H7 of the City of Southampton Local Plan Review (March 2006) and CS13, CS14, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

NOTE: Councillor Slade declared a prejudicial interest in the above item and withdrew from the meeting.

101. **5 NORTHWOOD CLOSE SO16 3QJ - 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.

Mr Moied (Applicant) and Ms Eccles (Local Resident) 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 Fitzhenry, Jones, Letts and Thomas

AGAINST: Councillors Osmond and Slade

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

Amended Conditions

12 - Storage / Removal of Refuse Material

Notwithstanding the approved plans, the development hereby approved shall not be commenced until the provision of details of a refuse and recycling storage, and refuse management plan have been submitted to and agreed in writing by the Local Planning Authority. This shall be accessible with a level approach including accommodation and provision of separate bins for the separation of waste to enable recycling. The agreed details shall thereafter be provided before any of the dwellings hereby approved are first occupied and retained for those purposes whilst the building is used for residential purposes.

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.

14 - Access to Bassett Green Road

The development hereby approved shall not be occupied until details have been submitted and agreed in writing by the Local Planning Authority to relocate the existing pedestrian access onto Bassett Green Road. Once agreed, those works shall then be implemented in accordance with the agreed details before any of the dwellings hereby

approved are first occupied. This access shall thereafter only be used as pedestrian access at all times, and no other means of access shall be provided to the site from Bassett Green Road.

REASON:

To ensure the continued collection of refuse from Bassett Green Road without compromising the privacy of the private amenity serving the future residents of flats 1 and 2.

Additional Conditions:

23 - Non habitable use

The areas shown on the 'basement floor plan' received by the Local Planning Authority on 18th November 2010 numbered 'Room 1' and 'Room 5' shall not be used for habitable accommodation at any time in accordance with the applicant's email dated 9th December 2010.

REASON:

In the interests of avoiding a poor standard of living conditions for residents.

24 - Parking

The development to which this consent relates shall not be occupied in full or in part until space has been laid out within the site in accordance with a car parking layout plan to be submitted and agreed in writing by the Local Planning Authority for a minimum of 6 vehicles to be parked and for vehicles to turn so that they can enter and leave in a forward gear.

REASON:

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

REASONS FOR 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. The nature and scale of these changes are not considered to be significant material changes to the original proposal. The additional material issues raised with regards to the changes associated with the amended plans which were to the external appearance and internal layout of the building, are not considered to have sufficient weight to justify refusing the planning application. 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.

NOTE: Councillor Samuels declared a prejudicial interest in the above item and withdrew from the meeting.

102. **UNIT 23, MOUNTBATTEN BUSINESS CENTRE, MILLBROOK ROAD EAST SO15 1HY - 10/00994/FUL**

Change of use of first floor from office (class B1 (a) to education centre (Class D1) (Departure from Local Plan) (Retrospective)

Ms Long was present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Jones, Letts, Slade, Samuels and Thomas

ABSTAINED: Councillor Fitzhenry and Osmond

UPON BEING PUT TO THE VOTE THE SUBSTANTIVE MOTION INCORPORATING THE AMENDMENT REFERRED TO ABOVE TO GRANT PERMANENT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

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

Amended Conditions

Condition 1 deleted – subsequent conditions re-numbered

Additional Conditions:

3 - Sign (Time bound performance condition)

Details of a non-illuminated, but reflective road sign, to alert drivers and users of the access into the Mountbatten Business Centre of the presence of children on site, shall be submitted to the local planning authority within 28 days of the date of this decision. The sign shall be a minimum size of 60cm by 30 cm and be placed a minimum of 1m above the prevailing ground level at the entrance of the Business Centre at its junction with Millbrook Road East. Once agreed in writing by the local planning authority, the sign must be in place within 14 days of it being agreed in writing. Once in place, that sign shall continue to be displayed and maintained in a legible form for as long as the use hereby approved is operating.

REASON:

In the interests of highway safety.

4 - Age limit

The use hereby permitted shall be provided for children and young adults up to the age of 18 years only.

REASON:

To limit the potential number of car journeys to the premises in the interests of pedestrian and highway safety.

REASONS FOR DECISION

The application constitutes a departure from the Development Plan ('saved' Policy RE1 11 (vii) of the City of Southampton Local Plan March 2006 and CS7 of the Core Strategy January 2010) but is compliant with the other relevant Policies of the Development Plan set out below. However, on the basis of the low demand for B1 use within this centre at this present time, the applicant's original wish of the applicant to have full consent and the particular nature of this D1 use being appropriate to this location and securing the future of the business it is considered appropriate for full consent to be granted.

In addition, other material considerations, namely the skills training offered which serves economic potential of future labour supply, the previous vacancy of the unit and the importance of retaining employment within the City, outweigh compliance with this policy 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.

City of Southampton Core Strategy (January 2010) - CS6, CS11, CS13, CS18 and CS19.

City of Southampton Local Plan Review (March 2006) - SDP1, SDP5, SDP7, SDP10, SDP11 and SDP16.