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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 18 JANUARY 2011

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Present: Councillors Fitzhenry (Chair), Jones (Vice-Chair), Letts, Osmond, Slade, Samuels (except Minute 105) and Thomas

Apologies: Councillors Councillor Raymond Mead

103. **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.

104. **CERTIFICATE OF APPROPRIATE ALTERNATIVE DEVELOPMENT FOR THE FORMER CIVIL SERVICE SPORTS GROUND (FREEMANTLE WARD)**

The Panel considered the report of the Planning and Development Manager detailing an application for a Certificate of Appropriate Alternative Development for land at the former civil service sports ground at Malmesbury Road. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Dineen, Mr Littler and Ms Lloyd (Local Residents) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that authority be given to the Planning and Development Manager to issue a Section 17 Certificate under the Land and Compensation Act 1961 Act confirming that if the land subject of the application for a Certificate of Appropriate Alternative Development were not proposed to be acquired by an authority possessing compulsory purchase powers, planning permission would have been granted for land use within the following classes of the schedule to the Town and Country Planning ( Use Classes Order ) 1987 as:-

- (i) D1c (non residential institutional for the provision of outdoor sports associated with education); and/or
- (ii) D2e (assembly and leisure for outdoor sports)

and not for any other use - including C3 (residential) in full or in part - for the reasons set out in appendix 1 of the report being the draft Certificate.

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

The Panel considered the report of the Planning and Development Manager regarding an unauthorised change of use in respect of 141 Burgess Road from single, four-bedroom dwelling to use primarily as an office, to business use. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Holmes (Quayside Architects) was present and with the consent of the Chair, addressed the meeting.

The Panel considered the revised officer recommendation for (1) a deferral of the service of an enforcement notice to enable the submission of an application for temporary planning permission within 1 month for a period of 5 years for a live work unit together with the submission of a unilateral undertaking to complete the build of the additional consented dwelling to the rear of the plot within 2 years and (2) subject to (1) to rescind the resolution to take enforcement action

UPON BEING PUT TO THE VOTE THE REVISED OFFICER RECOMMENDATION WAS CARRIED

RECORDED VOTE:

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

AGAINST: Councillor Fitzhenry

### **RESOLVED**

- (i) that the service of an Enforcement Notice be deferred to enable the submission of a valid planning application for a change of use of 141 Burgess Road to a live-work unit within one month of the date of this meeting and the application be subject to the following:-
  - 1. be time limited to a period of 5 years;
  - 2. include a unilateral undertaking requiring the completion of the dwelling at the rear of the site (LPA ref 07/01817/FUL) to be to a habitable standard within 24 months of the date of decision;
  - 3. be personal to the current owner of the site;
  - 4. include the provision of two car parking spaces to the rear of the property before the planning permission is implemented; and
  
- (ii) that the resolutions passed at meetings of the Planning and Rights of Way Panel on 23<sup>rd</sup> November 2010 and 27<sup>th</sup> May 2008 to serve an Enforcement Notice in respect of this property be rescinded in the event that planning permission is granted for a live-work unit in the terms set out above”..

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

### **CONSIDERATION OF PLANNING APPLICATIONS**

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

106. **PORTSWOOD BUS DEPOT, 224 PORTSWOOD ROAD, SO17 2AD - 10/01399/OUT**  
Redevelopment of the site to provide a new supermarket (Class A1 retail 9,730 square metres gross floorspace with associated 344 space car park, new community use

(Class D1 1,166 square metres gross floorspace) and public play area (no matters reserved for later approval) and 59 residential units (29 houses and 30 flats) with 49 associated car parking spaces (details of landscaping and appearance reserved for later approval)

Mr Cundale and Mr Brown (Agents) and Dr Buckle, Mr Claisse, Mr Gillan and Mrs Jameson (Local Residents / Objectors) and Councillor Vinson (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The Panel noted a change to the description of development, confirming that landscaping was also a reserved matter in terms of the residential element.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Letts, Osmond and Thomas  
AGAINST: Councillors Samuels and Slade

**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 the Environment not requiring the decision to be referred to him under the terms of the Town and Country Planning Shopping Direction;
  - (b) the applicant entering into a Section 106 Legal Agreement to secure:-
    - 1. either
      - a financial contribution towards site specific transport contributions for highway and pedestrian facility improvements in the vicinity of the site;
    - or
      - provision to implement an agreed series of works under S.278 of the Highways Act in line with policies SDP4 of the City of Southampton Local Plan Review (March 2006), CS18 and CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
    - 2. the provision of an on-site equipped children's play area prior to first occupation of the retail unit;
    - 3. the submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy;
    - 4. the submission, approval and implementation of a Green Travel Plan (GTP) to address the impact of the parking

provision so that it can be assessed along with the transport needs of the development;

5. a commitment to local labour and employment initiatives both during the construction phase and post completion;
  6. the submission of a highway condition survey;
  7. the funding of any Traffic Regulation Orders required for the above measures and to enable the development to be implemented;
  8. the provision of an unencumbered access for cyclists and pedestrians linking Belmont Road and Portswood Road prior to first occupation of the retail unit;
  9. improvements to the public realm in the vicinity of the site;
  10. the provision of affordable housing in accordance with policy CS15 of the City of Southampton Core Strategy (January 2010);
  11. contributions towards the provision of or improvements to public open space;
  12. management of the car-park to ensure its' availability to serve the Portswood District Centre;
  13. lorry routing for construction and servicing vehicles;
  14. arrangements to limit noise generated by refrigerated delivery vehicles;
  15. CCTV provision;
  16. the provision and level of fit-out including timescales for delivery of the community use building;
  17. tree planting and maintenance and management of tree belt;
  18. the reasonable opportunity for first and continued use and occupation of the D1 floorspace by a Southampton City Council or nominated partner organisation at a peppercorn rent;
- (c) the conditions in the report and the amended and additional conditions below;
- (ii) that the Planning and Development Manager be authorised to refuse permission should the Section 106 Agreement not be completed within a reasonable time period, on the ground of failure to secure the provisions of the Section 106 Agreement.

### Amended Conditions

#### 18 - Retail floorspace restrictions

The net sales floorspace shall be limited to a maximum of 4 645sq m to be comprised of maximum floorspace restrictions of 3 539sq m for convenience goods and 1 106sq m for comparison goods. The sale of comparison goods shall be restricted to the sale of

the following goods only; clothes, homeware, electricals, toys and seasonal items (e.g Christmas and Halloween). The floorspace for sales of clothing should not take up more than on third of the comparison goods floorspace.

**REASON:**

To ensure compliance with local and national retail policies and to protect the health and vitality of the existing district centre.

**19 - No subdivision of the retail unit**

The retail building provided as part of the development shall not be subdivided into two or more retail units and shall not include a post office, dry cleaners, pharmacy, photo-shop or key cutting unless otherwise agreed in writing by the Local Planning Authority

**REASON:**

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area.

**20 - Operating Hours**

Unless otherwise agreed in writing by the Local Planning Authority, the retail building, its car park and associated travelators shall not be open for business outside of the hours of 0800 to 2100 Monday to Saturday and 0900 to 1700 on Sundays.

**REASON:**

To protect the health and vitality of the existing district centre.

Additional Conditions:

**57– Operating Hours for D1 Use**

Unless otherwise agreed in writing by the Local Planning Authority, the D1 Use shall not be open for business outside of the hours of 0800 to 2100 Monday to Saturday and 0900 to 1700 on Sundays.

**REASON:**

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

**58-- Allocated Parking for D1 Use**

Prior to first occupation of the store a minimum of 10 parking spaces shall be identified on a plan to be agreed in writing by the Local Planning Authority for sole use of the D1 facility. The spaces shall be marked out and retained for the D1 use customers and staff only whilst the D1 use operates from the site.

**REASON:**

To ensure appropriate numbers of spaces are made available in a safe and convenient location to serve the D1 floorspace hereby approved.

**59 – Refuse Management for D1 Use**

Prior to first occupation of the D1 Community Use a refuse management plan clearly indicating the facilities to be provided for the storage and collection of refuse including recycling of waste shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall then be implemented and maintained whilst the D1 Use remains operational.

**REASON:**

To ensure appropriate facilities are provided to serve the use in the interests of amenity.

60 – Tree Protection Zone for new tree belt – Residential

Prior to development commencing on the residential area of the site full details of the tree protection zone, including details of the design and alignment of the protective fencing to be provided during and after construction, shall be submitted to and agreed in writing with the Local Planning Authority. No storage of any materials or equipment shall take place within the tree protection zone. The approved details shall be implemented prior to any works commencing on the residential site.

61 - Lorry Routing for construction traffic

All traffic related to the construction of the retail (including D1 Community Use) and residential phases of development shall enter and leave the site via Thomas Lewis Way and at no time from Portswood Road or Highfield Lane in accordance with the lorry routing plan which forms part of the s106 agreement.

REASON:

In the interests of highway safety and the amenity of nearby residential areas.

62 – Provision of access and parking for residential scheme

Prior to first occupation of any of the residential units hereby approved a minimum of 49 car parking spaces, including garages, to serve the units shall be provided in accordance with the approved plans with proper access. The parking spaces and garages shall thereafter be retained and maintained in a manner to enable the parking of private cars associated with the residential units only.

REASON:

To ensure the car parking to be provided to serve the development is retained and maintained for that purpose in the interests of highway safety and the character and amenity of the area.

63 - Lighting levels within store out of trading hours

Prior to first occupation of the store the luminance levels of internal lighting required to serve the store outside the approved operating hours shall be submitted to and agreed in writing with the Local Planning Authority.

REASON:

In the interests of the amenities of residents of nearby residential dwellings.

64 - Details of all means of enclosure including security fencing

Prior to first occupation of the store full details of any security fencing to be provided within or along the perimeter of the retail store site shall be submitted to and agreed in writing with the Local Planning Authority.

REASON:

In the interests of the visual amenity of the area.

65 - Creation of a 'green-wall' planting scheme for the south-east elevation of the covered service area

Within 56 days of the date of this consent, a scheme to provide a 'green-wall' along the elevation of the covered service yard facing toward Belmont Road shall be submitted to the Local Planning Authority. The details shall include details of species, method of planting and fixing, and a long term management plan for the retention and maintenance of the planting provided. The approved details shall be implemented within the first planting season following completion of development or occupation of the store whichever is the sooner.

REASON:

In the interests of visual amenity and sustainability.

### REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including increased size of the store and the resultant additional traffic generation, the increased size of the store and the resultant additional impact on the district centre, the impact on the surrounding area including nearby conservation areas, the level of car-parking, the loss of trees the provision of open space and play space, protected species, the proposed mix of uses, the impact of the development on the character of the area and the nearby residential occupiers 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.

City of Southampton Local Plan Review (March 2006) 'saved' policies:-

SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, SDP17, SDP19, SDP21, SDP22, HE6, CLT5, CLT6, H1, H2, H3, H7, REI7, REI8 and TI2.

City of Southampton Core Strategy (January 2010) policies:-

CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23, CS24 and CS25.

107. **UNIVERSITY OF SOUTHAMPTON, BOLDREWOOD CAMPUS, BASSETT CRESCENT EAST - 10/01058/FUL**

Erection of a single storey detached building to house plant and equipment for the electricity supply to the campus - *description amended following validation and receipt of amended plans.*

Mr Reay (Agent), Mrs Cowie and Mr Moore (Local Residents) 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.

### REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Following the receipt of amended plans, the proposed buildings are considered to respect the visual amenities of Bassett Avenue whilst satisfying initial highway safety concerns. Other material considerations, such as those listed in the report to the Council's Planning and Rights of Way Panel on 18<sup>th</sup> January 2011, 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, SDP7, SDP9, SDP12, TI2, NE6 and L7 of the City of Southampton Local Plan Review - Adopted March 2006 and Policies – CS6, CS11 and CS13 of the Southampton City Council Local Development Framework Core Strategy – Adopted January 2010 as supported by the Council’s current adopted Supplementary Planning Guidance.

108. **80 BELLEMOOR ROAD, SO15 7QU - 10/01654/FUL**

Part two storey, part single storey side and rear extensions

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.

**REASONS FOR DECISION**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed extension is not considered to be harmful to the appearance of the host dwelling nor harmful to the character of the surrounding. No harm would result to the amenities of neighbours. 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.

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).