
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 15 MARCH 2011

Present: Fitzhenry (Chair), Jones (Vice-Chair), Letts, Mead, Osmond and Slade
(Except Items 5, and 8 to 13)

Apologies: Councillor Don Thomas

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

RESOLVED that the Minutes of the meeting held on 18th January 2011 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.

122. **ST DENYS HOTEL PUBLIC HOUSE, 1 ABERDEEN ROAD- 10/01632/FUL**

External alterations, single-storey rear and first floor side extensions to facilitate conversion of existing building into 5 flats (1 x 3 bed, 2 x 2 bed and 2 x 1 bed) with associated parking and cycle/refuse storage

Mr Knight (Agent), Mr and Mrs Saunders and Mr Young (Local Residents) 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 DELEGATE AUTHORITY TO THE PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION WAS LOST

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Letts, and Mead

ABSTAINED: Councillor Osmond

A FURTHER MOTION PROPOSED BY COUNCILLOR LETTS AND SECONDED BY COUNCILLOR FITZHENRY 'THAT THE APPLICATION BE REFUSED FOR THE FOLLOWING REASON WAS CARRIED UNANIMOUSLY:-

Over Development

Whilst the principle of development is acceptable, the proposed conversion would represent an overdevelopment of the site which creates a poor residential environment for prospective occupiers. This is by reason of the insufficient amount of private and useable amenity space (particularly as the proposal includes family-sized accommodation), the poor and restricted outlook from habitable room windows and the arrangements for refuse and recycling storage. Furthermore, by not incorporating the maximum number of permitted car parking spaces, the proposal is likely to generate additional on-street car parking which would exacerbate the parking pressures in the

surrounding area to the detriment of the amenities of the neighbouring residential occupiers. The proposal would therefore prove contrary to the provisions of policies CS13 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010), saved policies SDP1 and SDP5 of the City of Southampton Local Plan Review (adopted version March 2006) and as supported by The Residential Design Guide Supplementary Planning Document (September 2006) (with specific reference to part 3, part 4 and part 9)

RESOLVED that conditional planning permission be refused for the reason set out above.

123. **LAND OPPOSITE PORTSWOOD PRIMARY SCHOOL, CORNER OF BRICKFIELD ROAD AND SOMERSET ROAD - 11/00135/FUL**

Change of use of the land to create 17 allotment plots with associated access and parking to include the formation of a new vehicular and pedestrian access from Somerset Road following the closure of the existing access points.

Mrs Mew (Agent) 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.

REASONS FOR DECISION

The application constitutes a departure from the Development Plan ('saved' Policy H1 of the City of Southampton Local Plan March 2006), but is compliant with the other relevant Policies of the Development Plan set out below. However, since the site has been vacant for an extended period of time and reasonable attempts to secure a residential planning permission have failed, the proposed use is considered appropriate to this location given the need for allotment provision within the City.

Policies - SDP1, SDP4, SDP5, SDP10, NE4 and H1 of the City of Southampton Local Plan Review (March 2006) and policies CS13, CS19, CS21 and CS22 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

124. **9 AND 11 MERTON ROAD, SO17 3RB - 10/01766/FUL**

Single storey rear and part 2-storey, part single storey side extensions with detached cycle and refuse stores to 9 Merton Road (C4 Dwelling) and single storey rear extension to 11 Merton Road (C3 Dwelling).

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

NOTE:

The Panel had resolved unanimously to grant conditional permission. Subsequent to this decision the Panel was advised that an error had occurred and that number 13 Merton Road had not received a letter of notification. The Panel were advised by the

Solicitor to the Panel to rescind the previous resolution to grant conditional permission as it was made in the mistaken belief that number 13 had been notified.

UPON BEING PUT TO THE VOTE THE PREVIOUS RESOLUTION TO GRANT CONDITIONAL PERMISSION WAS RESCINDED AND DELEGATED AUTHORITY WAS GIVEN TO THE PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PERMISSION SUBJECT TO NO LETTER OF OBJECTION BEING RECEIVED FROM THE OCCUPANT OF NUMBER 13 MERTON ROAD UPON RE NOTIFICATION

RESOLVED that authority be delegated to the Planning and Development Manager to grant planning permission subject to no objection being received from no 13

NOTE: If an objection is received then the matter is to be returned to the Panel for determination

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. A family dwelling house (C3) can be established at number 9 Merton Road in the future as only external physical changes are proposed. The occupation of number 9 Merton Road is not considered likely to result in an intensification of activity resulting in a material increase in the level of noise and refuse generated from the site as the number of occupants will not be increasing. Other material considerations including the impact on the amenity of adjoining occupiers or the character of the street 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, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006); and CS13 and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

125. **BOLDREWOOD, UNIVERSITY OF SOUTHAMPTON LLOYDS REGISTER BUILDING, BASSETT CRESCENT EAST - 11/00286/NMA**

Application for a "Non-Material Amendment" to planning permission ref: 08/01097/FUL relating to elevational details to Block A, and external cladding materials for the Lloyds Register building as part of the Boldrewood redevelopment proposals

Mr Reay (Agent), Mr Hooper (Architect) and Councillor Samuels (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO APPROVE THE NON-MATERIAL AMENDMENT TO THE APPROVED PLANNING PERMISSION REF: 08/01097/FUL (RELATING TO ELEVATIONAL DETAILS TO BLOCK A, AND EXTERNAL CLADDING MATERIALS FOR THE LLOYDS REGISTER BUILDING AS PART OF THE BOLDREWOOD REDEVELOPMENT PROPOSALS) WAS CARRIED.

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Mead and Osmond

ABSTAINED: Councillor Letts

RESOLVED that planning approval be granted for the non-material alteration to the approved planning permission ref: 08/01097/FUL.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The request for a non material amendment seeks to change the external appearance of the building without affecting its approved footprint, height or building envelope. A high quality design and visual appearance is retained in accordance with local and national design policies and guidance. Other material considerations, such as those listed in the report to the Council's Planning and Rights of Way Panel on 15th March 2011, 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 a revision to planning permission 08/01097/FUL 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.

126. **164 HILL LANE SO15 5DB - 11/00189/FUL**

Change of use to a house in multiple occupation for up to 11 people (sui generis) with associated amenity space, cycle/bin storage, and parking. No external alterations.

Mr Bonnar (Applicant) and Councillor Moulton (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 amended conditions below.

Amended Conditions

6 - 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 details to be submitted and agreed in writing by the Local Planning Authority for a maximum of 10 vehicles to be parked and for vehicles to turn so that they can enter and leave the site in a forward gear. In particular, it must be demonstrated that suitable access can be provided for servicing of the existing utility within the site.

REASON:

To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety and safeguard the servicing of the existing utility on site in accordance with relevant legal requirements.

10 - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, including the internal partition walls, to be implemented prior to the first re-occupation of the building and retained at all times thereafter.

REASON:

For the avoidance of doubt and in the interests of proper planning and to protect the amenities of local residents, by ensuring that no enlarged common room space is created which might otherwise increase the potential for gatherings and social events organised by the residents which could give rise to noise disturbance to neighbours.

REASONS FOR 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 15.03.11. 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.

127. ELM GREEN COURT, 58 WILTON ROAD - 10/01814/FUL

Alterations to roof comprising a mansard edge to reduce the eaves height of the building adjacent to 60 Wilton Road.

Mr McLean (Agent), Mr Ainslie (Applicant) and Mrs Wiseman ((Objector) were present and with the consent of the Chair, addressed the meeting.

AMENDMENT TO THE OFFICER RECOMMENDATION PROPOSED BY COUNCILLOR FITZHENRY AND SECONDED BY COUNCILLOR OSMOND 'THAT NO ENFORCEMENT ACTION BE TAKEN AND THAT THE CONDITION 1 BE REMOVED FROM THE OFFICER RECOMMENDATION' WAS CARRIED UNANIMOUSLY

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

RESOLVED that planning approval be granted subject to condition 2 in the report

REASONS FOR DECISION

The alteration to the existing roof comprising a mansard edge to lower the eaves height of the building adjacent to 60 Wilton Road will not adversely harm the design of the building or the character and appearance of the surrounding area. Development has not been carried out strictly in accordance with planning permission 08/01033/FUL because the height of the building is greater than shown on the approved plans. The form of the building as built is not so harmful as to necessitate the implementation of the permission applied for and enforcement action against the breach is not considered expedient. 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, SDP7 and SDP9 of the City of Southampton Local Plan Review - Adopted March 2006.

Policy CS13 of the Local Development Framework Core Strategy (January 2010).

128. **UNAUTHORISED LAND TIPPING - LAND REAR OF 63 BOTANY BAY ROAD**

The Panel considered the report of the Planning and Development Manager seeking authority to serve an Enforcement Notice and a permanent Stop Notice to prevent further unauthorised tipping of waste on land rear of 63 Botany Bay Road and to remediate the appearance of the land and thereafter prosecute any breaches of those Notices where expedient to do so in the Courts. (Copy of report circulated with the agenda and attached to the signed minutes).

Mr Coe (Agent for the landowner) and Mrs Langley, Mrs Nicholson and Mrs Gonzalez (Local Residents) were present and with the consent of the Chair, addressed the meeting.

RESOLVED

- (i) that authority be given to the Planning and Development Manager to decide whether or not EIA (Environmental Impact Assessment) development is involved within Schedule 2 of the TCP Regulations 1999 to adopt a screening opinion regulation 25(2) and if it is, to issue a screening opinion with the regulation 25 notice;
- (ii) that authority be given to the Solicitor to the Council to serve a Change of Use Enforcement Notice before 31st March 2011 relating to the unauthorised change of use of the land from the mixed use of residential and open land to the mixed use of residential, open land and land used for the importation, tipping and deposit of refuse and waste materials requiring:-
 - the cessation of the importation, tipping and deposit of refuse and waste upon the land;
 - the removal of brick/building materials and rubble that have been deposited on the land, identified in the location and photograph shown in Appendix B;
 - the removal of the tipped waste from within the curtilage of 73/73a Botany Bay Road, identified in Appendix A to a licensed tip within six months of the Notice taking effect;

- within one month of the notice taking effect, the submission to the Local Planning authority of a slope stability survey of the tipped material identified in the geo-station survey undertaken by Encompass Surveys (Drg. ENC-070211-738) and dated February 2011;
 - within one month of the submission of the slope stability survey, the submission of a scheme for the Local Planning Authorities approval to remediate any instability of the tipped material; such scheme to deal with the method of stabilising the tipped material, the time scale for implementation of the scheme, a scheme of planting to landscape the tipped material and the recording of the extent of the tipped material;
 - such other steps as the Solicitor to the Council considers appropriate to remediate the breach of planning control;
- (iii) that authority be given to the Solicitor to the Council to serve a permanent Stop Notice before 31st March 2011 to prevent further unauthorised importation, tipping and deposit of refuse and waste; and
- (iv) that authority be delegated to the Solicitor to the Council to pursue any breaches of these Notices in the Courts, should further tipping occur at any point in the future or should the requirements of the enforcement notice not be met.

The unauthorised tipping of waste and related engineering operations to raise the level of land in the affected area has had a detrimental effect on the environment and is also likely to be prejudicing public safety in the following ways:-

- has caused an ordinary watercourse to be diverted and is likely to have caused harm to a Site of Importance for Nature Conservation(Shoreburs Greenway);
- has created a mound of unknown stability which could harm the amenities of occupiers of adjoining land, should it subside, where such tipping has already encroached onto neighbouring land. Such raising of land levels has also created an oppressive sense of enclosure to occupiers of neighbouring land;
- the tipping of waste materials is unsightly and harms the visual amenities of the area particularly from the Site of Importance for Nature Conservation (Shoreburs Greenway);

REASON FOR DECISION

The unauthorised tipping of waste and related engineering operations to raise the level of land in the affected area has had a detrimental effect on the environment and was also likely to be prejudicing public safety in the following ways:-

- has caused an ordinary watercourse to be diverted and is likely to have caused harm to a Site of Importance for Nature Conservation(Shoreburs Greenway);
- has created a mound of unknown stability which could harm the amenities of occupiers of adjoining land, should it subside, where such tipping has already encroached onto neighbouring land. Such raising of land levels has also created an oppressive sense of enclosure to occupiers of neighbouring land;

- the tipping of waste materials is unsightly and harms the visual amenities of the area particularly from the Site of Importance for Nature Conservation (Shoreburs Greenway);

The reasoning stated for serving the recent Temporary Stop Notices was therefore given as:-

The depositing of waste materials on the identified land - (most of which is a Site of Importance for Nature Conservation) - is considered to be harmful to the visual amenities of the area and outlook and safety of occupiers of adjoining property. It has the potential to cause contamination and general harm to the environment and adversely affect the quality of groundwater, notably a stream, which has been caused to be diverted from its original alignment. It is also the most likely cause for a public sewer to have collapsed, which resulted in a pollution incident. The unauthorised tipping activity is therefore considered to be contrary to the following policies of the Development Plan for Southampton set out below:-

City of Southampton Local Plan Review (March 2006)

SDP1 (i), SDP7 (i)/(ii)/(v), SDP9, SDP12, SDP23, NE4 and CLT3

City of Southampton Local Development Framework Core Strategy (January 2010) - CS13 (6)/(7)/(10), CS21 and CS22

129. **REVIEW OF 1APP REQUIREMENTS (VALIDATION OF PLANNING APPLICATIONS): REPORT ON PUBLIC CONSULTATION**

The Panel considered the report of the Planning and Development Manager detailing the review of 1app requirements (validation of planning applications) including a report on public consultation. (Copy of report circulated with the agenda and attached to the signed minutes).

Mr Moore and Mr Wirgman (Southampton Federation of Residents' Associations) were present and with the consent of the Chair, addressed the meeting.

RESOLVED that approval be given / authority be granted for the use of the adjusted validation criteria for the various types of 1App application form set out in Appendices 1 and 2 to the report for Development Management purposes subject to the following amendments:-

- (i) that for LVC 2 in Appendix 1, the first bullet point of the criterion text be altered to read – “Required for all planning applications involving extensions/alterations to existing roof forms and new buildings”; and
- (ii) note to LVC 16 in Appendix 1 to state – “Where developers submit full information on such matters, hopefully informed by the formal pre-app procedure and give written confirmation to the implementation of those measures, the local planning authority will seek to impose a ‘performance’ – type planning condition requiring full implementation and subsequent retention”.