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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 12 APRIL 2011

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Present: Councillors Fitzhenry (except Minute 132) (Chair), Jones (Vice-Chair), Letts, Osmond, Samuels and Slade

Apologies: Councillors Councillor Raymond Mead and Councillor Don Thomas

130. **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.

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

**RESOLVED** that the Minutes of the Meetings held on 15<sup>th</sup> February and 15<sup>th</sup> March 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.

**COUNCILLOR JONES IN THE CHAIR**

132. **BITTERNE SURGERY, 62 WEST END ROAD SO18 6TG - 11/00229/FUL**

Application for variation of condition 3 (Hours of Use) of planning permission reference 10/01508/FUL to extend operation of the pharmacy to Monday-Saturday (07:00 - 23:00 Hours) and Sundays (09:00 - 17:00 hours).

Mr Sangha (Agent) and Councillor Smith (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO CONDITIONALLY APPROVE VARIATION OF CONDITION 3 (HOURS OF USE) OF PLANNING PERMISSION 10/01508/FUL WAS LOST UNANIMOUSLY

A FURTHER MOTION PROPOSED BY COUNCILLOR OSMOND AND SECONDED BY COUNCILLOR LETTS 'THAT TEMPORARY CONSENT (2 YEARS) BE GRANTED AND BROUGHT BACK TO PLANNING PANEL FOLLOWING EXPIRY OF TEMPORARY CONSENT' 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 permission be granted subject to the amended and additional conditions set out below.

Amended Condition

3 - Bank Holidays

Add "and Bank Holidays" after the word Sunday.

6 – Approved Plans amended to read Condition 7 – Approved Plans (amend numbering to run concurrently)

Additional Conditions

8 - Parking

The additional hours permitted for the pharmacy hereby approved shall not be brought into use in full or in part until space has been laid out within the frontage of the site, in accordance with details to be submitted and approved in writing by the Local Planning Authority for the parking of motor vehicles associated with the customers of the pharmacy.

REASON:

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

9 - Time Limited (Temporary) Permission Condition

The extended operational hours for the pharmacy hereby permitted shall be discontinued within two years of the date of this decision.

REASON:

To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for this type of development.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. On balance, it is considered that the provision of an out of hours service pharmacy in this location would greatly benefit the local residents and meet the strategic approach of SCPCT to provide primary health care facilities in this part of Southampton, however the impact of the extended hours upon surrounding residential amenity needs to be assessed prior to granting permanent consent and therefore where applicable conditions have been applied in order to satisfy these matters and the conditions under 10/01508/FUL have been reapplied to this permission. 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, SDP16, HC3 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

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

**COUNCILLOR FITZHENRY IN THE CHAIR**

133. **11 KITCHENER ROAD SO17 3SF - 11/00079/FUL**

Erection of first storey extension to rear of property

Mr Gillen (Highfield Residents' Association) 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

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Osmond and Letts

ABSTAINED: Councillors Samuels 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 Condition

3 – Residential Restriction

Notwithstanding the provisions of the Town and Country Planning (Use Classes)  
(Amendment) (England) Order 2010(SI 2010/653) or any Order amending, revoking or  
re-enacting that Order, no more than 5 residents shall at anytime occupy 11 Kitchener  
Road whilst it is in use as a C4 dwelling house (House in multiple occupancy whereby  
the property is occupied by unrelated individuals who share basic amenities) and the  
lounge shall remain in use as a lounge and not to be used as a bedroom.

REASON:

In order that the Local Planning Authority may exercise further control of this property in  
the interest of the living environment of prospecting residents (access to daylight) and  
given the scale of the property, surrounding context and character.

5 – No other windows or doors other than approved – amended to read Condition 4  
(amend numbering to run concurrently).

6 – Approved Plans – amended to read Condition 7 (amend numbering to run  
concurrently).

Additional Conditions

5 - Residential - Permitted Development Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted  
Development) Order 1995 (as amended by the Town and Country Planning (General  
Permitted Development) (Amendment) (No.2) (England) Order 2008), or any Order  
amending, revoking or re-enacting that Order, no other building, extension or structure  
permitted within Schedule 2, Part 1, Class A (enlargement of a dwelling house) or Class  
B (roof alterations) shall be erected or carried out to 11 Kitchener Road without the prior  
written consent of the Local Planning Authority.

REASON:

In order that the Local Planning Authority may exercise further control in this locality  
given the harm that could arise to adjoining residents arising from a more intensified  
residential occupation of the site.

6 - Retention of front boundary treatment

Unless otherwise agreed in writing by the Local Planning Authority the front boundary  
wall enclosing the front of the site shall be retained for the lifetime of the development.

REASON:

To secure a satisfactory form of development.

### REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The physical changes proposed do not result in an increase in the level of occupation of the existing HMO and the enlargement of a bedroom 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).

134. **8 SHAFTESBURY AVENUE SO17 1SA - 10/00584/FUL**

Rear roof extension to provide additional bedroom and balcony to existing 7 bedroom HMO (House of Multiple Occupancy) to create an 8 bedroom HMO.

Mr Gillen (Highfield Residents' Association) 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 DEFERRED

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Osmond and Letts

ABSTAINED: Councillors Samuels and Slade

RESOLVED that planning approval be deferred until the established use of the property has been determined.

135. **9-11 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).

Mr Gillen (Highfield Residents' Association), Mrs Fox and Mrs Moon (Local Residents), Councillors Vinson and Capozzoli (Ward Councillors) 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

AGAINST: Councillor Slade  
ABSTAINED: Councillor Samuels

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

#### Amended Condition

##### 5 – Cycle Storage Facilities

Notwithstanding the plans hereby approved, the location of the cycle store shall be agreed with the LPA prior to the construction of the hereby approved extension of number 9 Merton Road. Such facilities as approved shall be permanently retained for that purpose.

##### REASON:

To encourage cycling as an alternative form of transport and to reduce the impact on the neighbour to the rear.

#### 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).