

# Planning and Rights of Way Panel

Tuesday, 12th April, 2011  
at 9.30 am

## **PLEASE NOTE TIME OF MEETING**

Committee Room 1 - Civic Centre

This meeting is open to the public

### **Members**

Councillor Fitzhenry (Chair)  
Councillor Jones (Vice-Chair)  
Councillor Letts  
Councillor Mead  
Councillor Osmond  
Councillor Slade  
Councillor Thomas

### **Contacts**

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## **PUBLIC INFORMATION**

### **Terms of Reference**

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

### **Public Representations**

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Members of the public in attendance at the meeting are advised of the process to be followed.

### **Southampton City Council's Six Priorities**

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

**Smoking policy** – The Council operates a no-smoking policy in all civic buildings

**Mobile Telephones** – Please turn off your mobile telephone whilst in the meeting.

**Fire Procedure** – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

**Access** – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

### **Dates of Meetings: Municipal Year 2010/11**

<b>2010</b>	<b>2011</b>
<b>25 May 2010</b>	<b>18 January 2011</b>
<b>22 June</b>	<b>15 February</b>
<b>20 July</b>	<b>15 March</b>
<b>17 August</b>	<b>12 April</b>
<b>31 August</b>	
<b>28 September</b>	
<b>26 October</b>	
<b>23 November</b>	
<b>21 December</b>	

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Rules of Procedure**

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### **Quorum**

The minimum number of appointed Members required to be in attendance to hold the meeting is three.

### **Disclosure of Interests**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

#### **Personal Interests**

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
  - any employment or business carried on by such person;
  - any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
  - any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
  - any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

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## **Prejudicial Interests**

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## **AGENDA**

**Agendas and papers are available via the Council's Website**

### **1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

### **2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS**

In accordance with the Local Government Act 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Panel Administrator prior to the commencement of this meeting.

### **3 STATEMENT FROM THE CHAIR**

### **4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the meetings held on 15<sup>th</sup> February 2011 and 15<sup>th</sup> March 2011 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **ITEMS TO BE HEARD BETWEEN 9:30 AM TO 10:00 AM**

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

Report of the Planning and Development Manager, recommending conditional approval in respect of the application for a proposed development at the above address, attached.

**ITEMS TO BE HEARD BETWEEN 10:00 AM TO 10:25 AM**

**6 11 KITCHENER ROAD SO17 3SF - 11/00079/FUL**

Report of the Planning and Development Manager, recommending conditional approval in respect of the application for a proposed development at the above address, attached.

**ITEMS TO BE HEARD BETWEEN 10:25 AM TO 10:40 AM**

**7 8 SHAFTESBURY AVENUE SO17 1SA - 10/00584/FUL**

Report of the Planning and Development Manager, recommending conditional approval in respect of the application for a proposed development at the above address, attached.

**ITEMS TO BE HEARD BETWEEN 10.40 AM AND 10.55 AM**

**8 9-11 MERTON ROAD SO17 3RB - 10/01766/FUL**

Report of the Planning and Development Manager, recommending conditional approval in respect of the application for a proposed development at the above address, attached.

Monday, 4 April 2011

SOLICITOR TO THE COUNCIL

# Agenda Item 4

To approve and sign as a correct record the Minutes of the meetings held on 15<sup>th</sup> February 2011 and 15<sup>th</sup> March 2011 and to deal with any matters arising, attached.

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

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Present: Councillors Fitzhenry (Chair), Jones (Vice-Chair), Letts (except Minute items 115 to 120), Osmond, Samuels, Slade and Thomas (except Minute 118)

Apologies: Councillor Raymond Mead

109. **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.

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

**RESOLVED** that the Minutes of the meeting held on 21<sup>st</sup> December 2010 be approved and signed as a correct record subject to the following amendment to Minute 101 - **5 NORTHWOOD CLOSE SO16 3QJ - 10/01311/FUL**

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Letts and Thomas

AGAINST: Councillors Osmond and Slade

**CONSIDERATION OF PLANNING APPLICATIONS**

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

111. **LAND TO THE REAR OF 70 SHIRLEY AVENUE -10/01749/FUL**

Erection of a detached 3 bed property to rear of existing property (resubmission of 09/01154/FUL to provide a widened integral garage and reconfigured layout)

Mr Cope (Applicant) and Mr Wiseman (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, Osmond and Thomas

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

10 – No other windows

No other windows, doors or openings shall be constructed above ground floor level in the side elevations of the dwelling hereby approved.

REASON

In the interests of the privacy of the neighbouring properties

### Additional Condition

19 - 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 CO<sub>2</sub> emissions [of at least 20%] 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 CO<sub>2</sub> emissions of the development [by at least 20%] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding the demolition phase) 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).

### REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 15.02.11 do not have sufficient weight to justify a refusal of the application. The proposed dwelling would be in keeping with the surrounding area and would not have a harmful impact on residential amenity or highway safety where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, Planning Permission should therefore be granted having account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and 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, CS19, and CS20 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

112. **BOLDREWOOD (BUILDING 62) CAMPUS, UNIVERSITY OF SOUTHAMPTON - 11/00101/DIS**

Application for approval of details reserved by conditions 21 (Demolition and Construction Method Statement) and 22 (Bassett Crescent East) of planning permission reference 07/00985/OUT relating to the redevelopment of Boldrewood

Mr Luken (Agent) and Mr Carter, Mrs Cowie, Mr Moore and Mrs Wawman (Local Residents) were present and with the consent of the Chair, addressed the meeting.

The Panel considered the revised officer recommendation to delegate authority to the Planning and Development Manager to discharge conditions 21 and 22 of permission 07/00985/OUT subject to:-

- (i) a screen to Oaklands Way (if required) be agreed in consultation with the Chair of the Planning and Rights of Way Panel; and
- (ii) that Condition 21 discharge be conditional upon the University of Southampton adhering to the revised Demolition and Construction Method Statement; and:
  - (a) 3 DUST monitoring stations being used on a real time 24/7 basis;
  - (b) 3 VIBRATION monitoring stations being used on a real time 24/7 basis as required by Environmental Health in their email dated 14<sup>th</sup> February 2011;
  - (c) ASBESTOS removal to be in accordance with HSE Standards;
  - (d) 3 NOISE monitoring stations being used on a real time 24/7 basis;
  - (e) HOURS OF WORKING as per 07/00985/OUT condition 20 with exceptions made in the event of poor weather forecast to allow on-site management;
  - (f) No FLOODLIGHTING to be used with no light spill to extend beyond the site boundary; and
  - (g) Measures regarding NESTING BIRDS (as detailed in email correspondence with LM (dated 10<sup>th</sup> February) being undertaken.

UPON BEING PUT TO THE VOTE THE REVISED OFFICER RECOMMENDATION THAT CONDITIONS 21 AND 22 OF PLANNING PERMISSION 07/00985/OUT, BE DISCHARGED FOLLOWING THE COMPLETION OF THE DEMOLITION PHASE OF THE BOLDREWOOD PROJECT IN ACCORDANCE WITH THE ABOVE WAS CARRIED

RECORDED VOTE:

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

ABSTAINED: Councillor Samuels

**RESOLVED** that authority be granted to the Planning and Development Manager to discharge Conditions 21 and 22 of Planning Permission 07/00985/OUT following the completion of the demolition phase of the Boldrewood project subject to the provision of a screen to Oaklands Way (if required); adhering to the revised Demolition and Construction Method Statement and the other measures set out (ii) above

## REASONS FOR DECISION

The proposed method for demolishing the existing building is acceptable taking into account the policies and proposals of the Development Plan as set out below. Following the receipt of a revised Demolition and Construction Method Statement (DCMS) the submission is considered to address all the relevant points to ensure that the demolition phase proceeds with as little nuisance and disturbance to surrounding neighbours and the highway network as is possible. Reasonable checks and balances are included to enable the Local Planning Authority and Environmental Health to monitor the demolition phase and take action should it be necessary. Other material considerations, such as those listed in the report to and discussed at, the Council's Planning and Rights of Way Panel on 15<sup>th</sup> February 2011 do not have sufficient weight to justify an objection to the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, no objection is therefore, raised and this notice is issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2010. 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.

113. **PART OF BRITISH AMERICAN TOBACCO CO LTD, REGENTS PARK ROAD - 10/01449/FUL**

Redevelopment of the site to provide a warehouse club (13,006 square metres gross external floorspace) including tyre installation, sales and associated facilities with vehicular access from Regents Park Road.

Mr Cheesemore (Applicant) and Mr Dicks (Agent) 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 SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED

RECORDED VOTE:

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

ABSTAINED: Councillors Letts and Samuels

### **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 with any variations recommended by the Planning and Development Manager and the amended conditions below;
  - b) the applicant entering into a Section 106 Legal Agreement to secure:-

1. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
2. A financial contribution towards strategic transport projects for highway network improvements in the wider area in accordance with policies CS18 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning;
3. Submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 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);
4. Submission and implementation within a specified timescale of a Travel Plan, 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);
5. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
6. Secure the following operational controls in order to define the planning use:
  - Both parties to the agreement acknowledge that the application is proposed on the basis that at least 65% of annual turnover will be to trade members of the warehouse club and therefore no more than 35% to individual members.
  - The warehouse club will restrict itself to not more than 4,000 different stock items.
  - Those items will be aimed primarily at the trade member and will mainly consist of items packaged in institutional packs or multi packs.
  - The agreement acknowledges that the use of the warehouse club as a Class A1 shop would amount to development requiring planning permission.
  - The warehouse club is to be operated in the general manner described in the booklet accompanying the application entitled "Costco Membership Warehouse Club – its philosophy and operation." (contained in Document 4) .

- An annual membership system is to be operated, requiring the payment of a fee and goods can only be bought by members in possession of a membership card which includes a photograph of themselves and their signature; membership cards will be checked on entry to the warehouse club and at the check out.
7. A site security management plan to be prepared and reviewed annually with Hampshire Constabulary for a 3 year period following the first opening of the premises for trading. Where recommendations of the reviews to improve site security are concluded, these are to be implemented.
  8. On the first anniversary of opening the store for public use the Developer will submit to the Council a Traffic Generation Survey. In the event that the Traffic Generation Survey shows an increase in trip generation in excess of 5% of the predicted trips estimated in the Transport Assessment (submitted as part of the Application and attached at Appendix 1) the Developer will pay a contribution towards additional highway works within the vicinity of the site within one month of the submission of the Traffic Generation Survey, equivalent to the additional number of actual trips, compared to the predicted trips identified in the Transport Assessment.
- (ii) that the Planning and Development Manager be authorised to refuse permission should the Section 106 Agreement not be completed within four months from the date of determination, on the grounds of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions:

5 - Road Construction

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:-

A specification of the type of construction proposed for the roads, cycleways and footpaths within the development hereby permitted including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.

REASON:

To ensure that the roads [cycleways] and footpaths are constructed in accordance with standards required by the Highway Authority.

6 - Junction Details

Development shall not begin until details of the junction between the proposed service road and the public highway as shown on drawing 72758/A/23 have been approved in writing by the LPA and the development shall not be brought into use until that junction has been constructed in accordance with the approved plans, unless any alternative solution is agreed in correspondence with the local planning authority prior to the implementation of such works.

**REASON:**

To ensure a safe access to the site is achieved.

**15 - Land Contamination investigation and remediation**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including:
  - historical and current sources of land contamination
  - results of a walk-over survey identifying any evidence of land contamination
  - identification of the potential contaminants associated with the above
  - an initial conceptual site model of the site indicating sources, pathways and receptors
  - a qualitative assessment of the likely risks
  - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

**REASON:**

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

**18 - Landscaping**

The development hereby approved shall be carried out strictly in accordance with landscaping plan 1001 Rev C and the Landscaping Report dated January 2011 by Andrew Davis Partnership unless otherwise agreed in writing by the Local Planning Authority.

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 scheme 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, in the interests of biodiversity and 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.

### 23 - Hours of Use - Trading Hours

The warehouse club hereby approved shall only not open to customers outside of the following hours:

Monday to Friday	
10.00am - 8.30pm (10.00am -12:00pm midday - trade customers only)	
Saturday	09.00am - 6.30pm
Sunday	11.00am - 5.00pm
Recognised public holidays	10.00am – 6.00pm

REASON:

To protect the amenities of the occupiers of existing nearby residential properties and to avoid congestion on Regents Park Road.

### 29 - External Lighting

The development shall be carried out strictly in accordance with the scheme of external lighting as shown on drawing 2372/EX2 Rev B and the undertaking as set out within the supporting letter from Faarup Associated Ltd dated 11 January 2011. The external lighting shall be installed as agreed and thereafter retained.

REASON:

To secure a satisfactory form of development and to safeguard the residential amenities of neighbouring occupiers.

### REASONS FOR THE DECISION

The site is safeguarded for light industry and research and development use under Saved Policy REI9 (i) of the Local Plan Review. Whilst a warehouse club does not strictly accord with the site specific designation, it is unlikely the site will come forward for single occupancy industrial use on the same scale as BAT, and leading Retail Estate Advisors 'Vail Williams' have indicated that demand from smaller industrial units on this back land site would be limited. Overall the principal scheme is acceptable, particularly as it will regenerate the site and will bring it back into employment use, whilst ensuring that existing residential amenities are protected. The Local Planning Authority is satisfied that the proposal will not undermine the vitality and viability of existing retail centres within the City. Furthermore the travel demands of the development can be met without compromising the city transport network, subject to the securing of site specific highway improvements through the S106 legal agreement. 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, SDP9, SDP10, SDP12, SDP13, SDP14, SDP16, SDP17,



REI9 and REI15 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS6, CS7, CS13, CS18, CS19, CS20, CS22, CS24 and CS25 of the Local Development Framework Core Strategy (January 2010).

114. **210 BASSETT GREEN ROAD - 10/01774/FUL**

Redevelopment of the site by the erection of 4 x 5-Bedroom detached dwellings with associated garages, car parking, access and amenity space

Mr Tear (Agent), Mr Strother (North East Bassett Residents' Association), and Mr Chamberlain, Mr Law, Mr Mounsell and Mrs Thakara (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 LOST

RECORDED VOTE:

FOR: Councillor Thomas

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

A FURTHER MOTION proposed by Councillor Fitzhenry and seconded by Councillor Samuels 'that the application be refused for the following reasons WAS CARRIED:-

(i) Character

The proposed redevelopment of 210 Bassett Green Road with four dwellings, in the manner proposed, is considered to be a discordant form of development that would harm the established pattern of development that prevails within the area known locally as 'Bassett Triangle'. The proposals, by reasons of their linear form, spatial characteristics and building-to-plot relationship (between themselves and their neighbours), the removal and erosion of a mature landscape screen onto Bassett Green Road to facilitate a second access point, and its subsequent residential density would exhibit a characteristic that differs from the prevailing pattern of development.

Furthermore, the exclusion of garden land from the Government's definition of previously developed land (as contained within PPS3 (2010)), and the subsequent shift in emphasis for housing delivery, makes the principle of the proposed development on this mature garden harder to justify. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such, the development would prove contrary to the provisions of policy CS13 (1) (2) of the adopted Local Development Framework Core Strategy (January 2010) as supported by "saved" policies SDP7 and SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council's approved Residential Design Guide SPD (September 2006) (namely, sections 2.1, 3.1, 3.2, 3.7, 3.8 and 3.9).

(ii) Precedent

The redevelopment proposals will, in the opinion of the City Council, harm the established pattern of development for the reason given above and by doing so would, if approved, set a difficult precedent that the Council would have

difficulty in resisting for further inappropriate development within the Bassett Triangle. The ongoing acceptance of harmful redevelopment proposals would in isolation, and as part of a wider context, further reduce the spatial characteristics and harm the character of the area contrary to the policies and guidance cited above.

RECORDED VOTE:

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

ABSTAINED: Councillor Thomas

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

115. **64 SWIFT ROAD - 10/01464/FUL**

Erection of two storey rear and side extension to allow conversion of dwelling into four flats (2 x 2 bedroom and 2 x 1 bedroom) with associated parking and cycle/refuse storage.

Mr Rogers (Agent), Mr Johnson (Local Resident) were present and with the consent of the Chair, addressed the meeting. Mr Johnson also delivered a written statement from Councillor Cunio (Ward Councillor).

AN AMENDMENT TO CONDITION 1 WAS PROPOSED BY COUNCILLOR FITZHENRY AND SECONDED BY COUNCILLOR OSMOND TO AMEND THE PERIOD FOR COMMENCEMENT OF WORKS TO THE 12<sup>TH</sup> JANUARY 2012

RECORDED VOTE

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

AGAINST: Councillor Samuels

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

RECORDED VOTE:

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

AGAINST: Councillor Samuels

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

**Amended Conditions**

1- Physical works

The development works hereby permitted shall begin not later than the 12<sup>th</sup> January 2012.

REASON:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to be consistent with the last Appeal consent granted, having regard to the current

untidy and overgrown appearance of the site, which is detracting from the visual amenities of the area.

#### 16 - Approved Plans

Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below and be occupied as 2 x 2 bedrooms and 2 x 1 bedroom flats. No further additional bedrooms shall be created without first being approved in writing by the Local Planning Authority.

#### REASON:

For the avoidance of doubt and in the interests of proper planning and to prevent a more intensive form of development from emerging without the proper consideration by the Local Planning Authority.

#### REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 15.02.11 do not have sufficient weight to justify a refusal of the application. The proposed dwelling would be in keeping with the surrounding area and would not have a harmful impact on residential amenity or highway safety and having regard to the previous planning appeal decision the proposal is considered to be acceptable. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted having account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and 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, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

#### 116. 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 MacLean (Agent) and Mrs Wiseman (Local Resident) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that consideration of the application be deferred owing to unexpired response time for third parties.

#### 117. UNIT K, WEST QUAY ROAD - 10/01472/FUL

Application for removal of condition 1 of planning permission 07/01214/VC to allow permanent use as a dance studio and variation of condition 4 to extend opening hours from 19.00 - 00.00 (Midnight) to 19.00 - 03.00 on Fridays and Saturdays and additional

day time use of 08.00 - 19.00 Monday - Friday during school holidays. (Departure from Local Plan)

Mr Donahue (Agent) and Mr Rees (Applicant) 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 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;
  - (b) the applicant entering into a Section 106 Legal Agreement to secure:-
    1. The continued implementation and monitoring of a travel plan to address the impact of the development;
    2. The use, in the evening, of car parking areas of nearby properties for the benefit of the patrons of the dance studio; and,
    3. A financial contribution towards site specific transport demands, namely a contribution towards Late Night Bus Services; and
- (ii) that the Planning and Development Manager be authorised to refuse permission should the Section 106 Agreement not be completed within 28 days from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

### **REASONS FOR DECISION**

The application constitutes a departure from the Development Plan ('saved' Policy RE1 1 (xiii) 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 industrial and warehouse use within this centre at this present time and the intention to create a major development quarter to expand the defined city centre boundary under policy CS2 of the Core Strategy it is considered appropriate to this location and to securing the future of the business for full consent to be granted.

Policies - SDP1, SDP5, SDP7 and RE10 xiii of the City of Southampton Local Plan Review (March 2006) and CS3, CS7, CS13, CS19 and CS24 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

### 118. **OPTION TO MODIFY THE DEFINITIVE MAP AND STATEMENT**

The Panel considered the report of the Head of Planning and Sustainability regarding an option to modify the Definitive Map and Statement by adding a footpath at the rear of

Lord's Hill District Centre. (Copy of report circulated with the agenda and attached to the signed minutes).

Ms Toomey (Sainsbury) and Councillor Thomas (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

### **RESOLVED**

- (i) that the conclusions contained in the Safety Report, (Appendix 1), be accepted in that whilst there were risks associated with use of the original footpath, these were minimal and not as severe as to warrant its closure;
- (ii) that subject to Sainsbury's meeting the full cost of the Combined Public Path Diversion Order and all relevant notifications and the resultant works; the original route, now designated a public right of way footpath, be diverted to an alignment as illustrated on Plan 1 contained within the report;
- (iii) that the Solicitor to the Council be authorised to make a Combined Public Path Diversion Order; and
- (iv) that the Planning and Development Manager be authorised to continue to liaise with Sainsbury in order to resolve the issue of the unauthorised palisade fence that has been erected.

NOTE: Councillor Thomas declared an interest and withdrew from the meeting for this item

#### 119. **PUBLIC RIGHTS OF WAY: ANNUAL UPDATE REPORT**

The Panel received and noted the report of the Head of Planning and Sustainability regarding an annual update on the main activities of the Council's Rights of Way function. (Copy of report circulated with the agenda and attached to the signed minutes).

#### 120. **STREET NAMING - GARAGE SITE, GRATELEY CLOSE**

The Panel considered the report of the Planning and Development Manager seeking approval for a street name for the new housing development under construction on the former garage site at Grateley Close, Weston. (Copy of report circulated with the agenda and attached to the signed minutes).

Whilst the officer recommendation was for the name Shire Horse Close; the Panel considered the suggestion proposed by Councillor Slade and seconded by Councillor Thomas, that the name 'Mary Key Close' be used in honour of the former Mayor and Ward Councillor.

**RESOLVED** that the name 'Mary Key Close' be approved for the new housing development under construction on the former garage site at Grateley Close, Weston.

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

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Present: Councillors 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 18<sup>th</sup> 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 15<sup>th</sup> 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 31<sup>st</sup> 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 31<sup>st</sup> 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”.

# Agenda Annex

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 12 April 2011 - Committee Rooms 1 and 2

PLEASE NOTE: THE PANEL, SHOULD IT BE REQUIRED, WILL BREAK FOR LUNCH

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
<b><u>BETWEEN 9.30 AM AND 10.00 AM</u></b>				
5	JT	CAP	5	11/00229/FUL / Bitterne Surgery 62 West End Road
<b><u>BETWEEN 10.00 AM AND 10.25 AM</u></b>				
6	JT	CAP	5	11/00079/FUL / 11 Kitchener Road
<b><u>BETWEEN 10.25 AM AND 10.40 AM</u></b>				
7	MP	CAP	5	10/00584/FUL / 8 Shaftesbury Avenue
<b><u>BETWEEN 10.40 AM AND 10.55 PM</u></b>				
8	MP	CAP	5	10/01766/FUL / 9-11 Merton Road
<b>Main Agenda items: None</b>				

### **Abbreviations:**

PSA – Public Speaking Allowance; CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TEMP – Temporary Consent

AA – Andrew Amery, AG - Andrew Gregory, ARL – Anna Lee, BG- Bryony Giles, JT - Jenna Turner, MP- Mathew Pidgeon, SH- Stephen Harrison, SL - Steve Lawrence, SB – Stuart Brooks, RP – Richard Plume

**Southampton City Council - Planning and Rights of Way Panel**

**Report of Executive Director of Environment**

**Local Government (Access to Information) Act 1985**

**Index of Documents referred to in the preparation of reports on Planning**

**Applications:**

**Background Papers**

1. Documents specifically related to the application
  - (a) Application forms, plans, supporting documents, reports and covering letters
  - (b) Relevant planning history
  - (c) Response to consultation requests
  - (d) Representations made by interested parties
  
2. Statutory Plans
  - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Core Strategy (Adopted 2007)
  - (b) City of Southampton Local Plan Review (Adopted March 2006)  
saved policies
  - (c) Local Transport Plan 2006 – 2011 (June 2006)
  - (d) City of Southampton Local Development Framework – Core Strategy  
(adopted January 2010)
  
3. Statutory Plans in Preparation
  - (a) City of Southampton Local Development Framework – City Centre Action Plan City Centre Action Plan Issues & Options Paper (2007)
  
4. Policies and Briefs published and adopted by Southampton City Council
  - (a) Old Town Development Strategy (2004)
  - (b) Public Art Strategy
  - (c) North South Spine Strategy (2004)
  - (d) Southampton City Centre Development Design Guide (2004)
  - (e) Streetscape Manual (2005)
  - (f) Residential Design Guide (2006)
  - (g) Provision of Community Infrastructure & Affordable Housing - Planning Obligation (2006)
  - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
  - (i) Women in the Planned Environment (1994)
  - (j) Advertisement Control Brief and Strategy (1991)
  - (k) Biodiversity Action Plan (2009)
  - (l) Economic Development Strategy (1996)
  - (m) Test Lane (1984)
  - (n) Itchen Valley Strategy (1993)
  - (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)



- (p) Land between Alder Moor Road and Worston Road Development Brief Character Appraisal (1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelbert Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)\*
- (dd) Bassett Avenue Character Appraisal (1982)\*
- (ee) Howard Road Character Appraisal (1991) \*
- (ff) Lower Freemantle Character Appraisal (1981) \*
- (gg) Mid Freemantle Character Appraisal (1982)\*
- (hh) Westridge Road Character Appraisal (1989) \*
- (ii) Westwood Park Character Appraisal (1981) \*
- (jj) Cranbury Place Character Appraisal (1988) \*
- (kk) Carlton Crescent Character Appraisal (1988) \*
- (ll) Old Town Conservation Area Character Appraisal (1974) \*
- (mm) Oxford Street Conservation Area Character Appraisal (1982) \*
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)\*
- (qq) Houses in Multiple Occupation (1990)\*
- (rr) Vyse Lane/ 58 French Street (1990)\*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)\*
- (tt) Old Woolston Development Control Brief (1974)\*
- (uu) City Centre Characterisation Appraisal (2009)

\* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

#### 5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)
- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Planning related Government Circulars in most common use

- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
- (b) Planning controls for hazardous substances 04/00
- (c) The Use of conditions in planning permissions 11/95
- (d) Environmental Impact Assessment 2/99
- (e) Planning Controls over Demolition 10/95
- (f) Planning and Affordable Housing 6/98
- (g) Prevention of Dereliction through the Planning System 2/98
- (h) Air Quality and Land Use Planning 10/97
- (i) Town and Country Planning General Regulations 19/92

7. Government Policy Planning Advice

- (a) PPS1 Delivering Sustainable Development (February 2005)
- (b) Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)
- (c) Planning Policy Statement: Eco-towns - Supplement to Planning Policy Statement 1 (July 2009)
- (d) PPG2 Green Belts (January 1995 - Amended March 2001)
- (e) PPS3 Housing (November 2006)
- (f) PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)
- (g) PPS5 Planning Policy Statement 5: Planning for the Historic Environment (March 2010)
- (h) PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas (August 2004)
- (i) PPG8 Telecommunications (August 2001)
- (j) PPS9 Biodiversity and Geological Conservation (August 2005)
- (k) PPS10 Planning for Sustainable Waste Management (July 2005)
- (l) PPS11 Regional Spatial Strategies (September 2004 – amended January 2009)
- (m) PPS12 Local Spatial Planning (June 2008)
- (n) PPG13 Transport (January 2011)
- (o) PPG14 Development on Unstable Land (April 1990)
- (p) PPG17 Planning for Open Space, Sport and Recreation (July 2002)
- (q) PPG18 Enforcing Planning Control (December 1991)
- (r) PPG19 Outdoor Advertising Control (March 1992)
- (s) PPG20 Coastal Planning (September 1992)
- (t) PPS22 Renewable Energy (August 2004)
- (u) PPS23 Planning and Pollution Control (November 2004)
- (v) PPG24 Planning and Noise (October 1994)
- (w) PPS 25 Development and Flood Risk (December 2006)

8. Government Policy Planning Advice in Preparation

- (a) PPS Development and Coastal Change – Consultation Paper (July 2009)
- (b) Initial review of the implementation of PPS 25 Development and Flood Risk (June 2009)

9. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2009)

10. Other Statutes

- a) Crime and Disorder Act 1998
- b) Human Rights Act 1998

Partially Revised: 6/01/11

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# Agenda Item 5

Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 12th April 2011  
Planning Application Report of the Planning and Development Manager

<b>Application address:</b> Bitterne Surgery 62 West End Road SO18 6TG			
<b>Proposed development:</b> 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)			
Application number	11/00229/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	31.03.2011	Ward	Harefield
Reason for Panel Referral:	'Referred by the Planning & Development Manager'	Ward Councillors	Cllr Fitzhenry Cllr Daunt Cllr Smith

<b>Applicant:</b> Dr Amrik Benning	<b>Agent:</b> Graham Ash Architects
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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## Reason for granting Permission

Reason for granting variation of condition to planning permission 10/01508/FUL

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, whilst having an acceptable impact on the character of the local area and the amenity of neighbouring occupiers. 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 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).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning History

**Recommendation in Full**  
**Conditionally approve**

## **1. The site and its context**

- 1.1 This application site lies on the eastern side of West End Road in Harefield ward to the north of the Bitterne district centre. The application site comprises of a Victorian villa style two storey building with various extensions which comprises of a doctor's surgery with associated parking area to the rear and front forecourt.
- 1.2 The surrounding area is characterised by mainly residential properties with exception to the doctor's surgery and veterinary centre adjacent to the site, ranging between 2 and 3 storey in height.

## **2. Proposal**

- 2.1 It is proposed to extend the opening hours of the pharmacy approved under planning permission no. 10/01508/FUL to Monday-Saturday (07:00 - 23:00 hours) and Sundays (09:00 - 17:00 hours) to provide an out of hours prescription service.

## **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Saved policy HC3 (Primary Care) of the Local Plan Review permits proposals for the expansion of primary care facilities in residential areas subject to no adverse impact on residential amenity, where the Primary Care Sector is defined to cover GP surgeries. The policy encourages a greater range of health services to be delivered locally in easily accessible locations by primary care providers. Saved policy SDP1 of the Local Plan Review permits development which does not unacceptably affect the health, safety and amenity of the city and its citizens.

## **4.0 Relevant Planning History**

- 4.1 The planning history of the site is given in **Appendix 2** of this report. Permission was granted by the Council in 1981 (permission no. 1606/E18 refers) to convert the residential building into a doctor's surgery. Subsequently, permission was granted in 1985 (permission no.951310/E refers) to expand the surgery and provide additional patient parking space to the rear of the site. Most recently in 2010 (permission no. 10/01508/FUL refers) permission was granted for an extension to the surgery to provide a pharmacy for dispensing medical prescriptions and an additional treatment room. The hours of opening currently permitted are Monday - Saturday (09:00 - 18:00 hours) and closed on Sundays and Public Holidays (condition 3 refers).

## **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **3** representations have been received from surrounding residents. A summary of these comments have been set out below:

- 5.1.2 The pharmacy opening beyond 1900 hours will lead to disturbance from noise and light during the late evening to adjoining residential occupiers along West End Road and Panwell Road due to the increased comings and goings of traffic using the car park.

#### RESPONSE

The proposed closing time of 23.00 hours is not uncommon for a stand alone commercial use in a residential area within the city, which accords with the government guidance (PPG24). The closure of the existing car park gate to prevent traffic entering the car park can be enforced to minimise the disturbance to adjoining neighbours from additional traffic associated with the extended hours of the pharmacy. The intensification of use in terms of the additional comings and goings associated with scale and nature of the extended hours of the pharmacy as proposed would not significantly harm the amenity of neighbouring occupiers.

- 5.1.3 The pharmacy should operate on a rota basis with other late night pharmacies in the city. There are already 4 other pharmacies operating within the immediate area, which is sufficient to serve the public.

#### REPSONSE

The applicant has stated that the pharmacy rota system has been abolished by Southampton City Primary Care Trust (SCPCT) in favour of voluntarily extended opening hours by pharmacies. The closest out of hours pharmacy available is in Hedge End and the city centre.

- 5.2 **SCC Highways** - No objection.

- 5.6 **SCC Environmental Health (Pollution & Safety)** – Objection raised as the condition 3 was applied to limit the hours to protect the amenity of the adjacent premises. Without the presence of supporting evidence with this application, the Officer is unable to support the extension of hours. However, the Officer would be in support of the pharmacy opening for dispensing prescriptions on rota basis with other pharmacies in the city.

### **6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. Principle of development;
  - ii. Character of the area;
  - iii. Residential amenity.

#### **6.2 Principle of Development**

- 6.2.1 Saved policy HC3 of the Local Plan Review permits the expansion of primary health care facilities in residential areas subject to having an acceptable impact on residential amenity. SCPCT and the Pharmacy Application Committee processed and approved an application for preliminary consent prior to inclusion on the pharmaceutical list of SPCT on 17<sup>th</sup> February 2011 for an 'out of hours' service at this location to increase access to dispensing services. The 'out of hours' pharmacy service aims to meet the following local and central Government's policies providing primary health care facilities through General Practitioner services:

- The 2010 NHS White Paper Equity and Excellence: Liberating the NHS
- Healthy Lives, Healthy People: Our Strategy for Public health in England
- Southampton's Joint Strategic Needs Assessment for Health and Well-being 2008 to 2011- document jointly issued by Southampton City Primary Care Trust and Southampton City Council

6.2.2 The applicant has stated that SCPCT has recently abolished the pharmacy rota system in favour of voluntarily extended opening hours by pharmacies. The out of hours service will provide medication in emergency situations for the public including palliative care. The applicant states that there is no out of hours service available for the public in east Southampton, the closest being Hedge End and the city centre.

6.2.3 The government and local strategic health care policy documents listed above should be afforded due weight as material consideration in the determination of the application.

6.2.4 Planning Policy Guidance Note 24: Planning and Noise (September 1994) states in paragraph 12 that noise sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00). There is no distinction made in the guidance between the weekend and week days including Sundays.

6.2.5 As such the principle of development is considered to be acceptable.

### 6.3 Character of the area

6.3.1 Although the character of the surrounding area is predominantly residential with the exception of the doctor's surgery and veterinary centre, this property has been established as a doctors surgery since the early 1980s with expansion of the facilities to its current size in the mid 1990s.

6.3.2 The addition of the pharmacy adjoining the doctors surgery was recently approved in 2010. The applicant is seeking to extend the operation hours to provide an 'out of hours' service to provide pharmaceutical prescription service.

6.3.3 In comparison, the scale and nature of the activities associated with the extended hours of the pharmacy use along this part of West End Road in terms of comings and goings is not considered to be out of character with the local area.

### 6.4 Residential amenity

6.4.1 The residential properties that would be mostly affected by the extension of hours would be 60 West End Road which adjoins to the southern boundary and properties directly to the east of the site along Panwell Road. There is currently a tall boundary treatment consisting of a part brick wall and fence section along the top and lower length of the site boundary which separates the main car park area from the north flank wall and garden space of 60 West End Road.

6.4.2 Although there are planning controls over the surgery opening hours, the applicant has stated that the surgery is open 07.30 to 20.30 hours Monday to Friday and



closed on Saturday and Sunday. The extension hours of the surgery will result in further traffic coming and going from the site from 20.30 until 23.00.

- 6.4.3 The Environmental Health Officer has objected to this proposal on the basis that the pharmacy should only operate on rota basis with other pharmacies. Although this advice is a material consideration for the Local Planning Authority, the material weight of all the planning merits should be weighed up on-balance in the determination of the application.
- 6.4.4 The proposed closing time of 23.00 hours is not uncommon for a stand alone commercial use in a predominantly residential area within the city, which accords with the government guidance set out in Planning Policy Guidance Note 24: Planning and Noise (paragraph 12) to ensure that the amenity of neighbouring residents is protected from noise generating activities. There is no distinction made in the guidance between the weekend and week days including Sundays, though the proposed Sunday operating hours are not considered to be contrary to this guidance.
- 6.4.5 It is considered that securing the main car park area by closing the existing gate to prevent traffic entering this area, with the exception to the staff, during the surgery closed hours will prevent traffic associated with the pharmacy use entering the main car park area and, therefore, minimise the level of disturbance to the adjoining residential occupiers. The closing of the gate outside surgery hours can be used as an enforceable condition.
- 6.4.6 Given the additional of comings and goings associated with scale and nature of this pharmacy use and the extension of hours, it would be unreasonable for the Local Planning Authority to impose any requirement on the applicant to upgrade the boundary treatment in particular along the common boundary with 60 West End Road.
- 6.4.7 As such the intensification of use in terms of the additional comings and goings associated with scale and nature of the pharmacy and extended hours as proposed would not significantly harm the amenity of neighbouring occupiers.

## **7.0 Summary**

- 7.1 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, whilst having an acceptable impact on the character of the local area and the amenity of neighbouring occupiers.

## **8.0 Conclusion**

- 8.1 This application has been assessed as being acceptable to residential amenity and its local context. The application is recommended for approval.

### **Local Government (Access to Information) Act 1985** **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(c), 2(e), 6(c), 7(a), 7(x), 9(a), 9(b)

## **SB for 12/04/11 PROW Panel**

### **PLANNING CONDITIONS**

#### **01.APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

#### **02.APPROVAL CONDITION - Materials to match [Performance Condition]**

Unless otherwise agreed in writing by the Local Planning Authority, the materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

#### **03.APPROVAL CONDITION - Hours of Use [Performance Condition]**

The pharmacy use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery associated with the permitted use) outside the following hours:

Monday to Saturday                      07.00 hours to 23.00 hours    (07.00am to 11.00pm)

Sunday                                        09.00 hours to 17.00 hours    (09.00am to 5.00pm)

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

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

#### **04.APPROVAL CONDITION - Restricted Use [Performance Condition]**

Notwithstanding the Town and Country Planning (Use Classes) Amendment Order 1991, the premises shall be used only for the purposes indicated in the submitted details as a pharmacy and not for any other purpose within Use Class A1.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority and prevent other uses other non related uses to the surgery which will encourage non linked trips to retain control over the development in the interests of the amenities of the area .

#### **05.APPROVAL CONDITION - Refuse storage [Pre occupation condition]**

Prior to the first occupation of the development hereby approved, the refuse storage shall be provided in accordance with the approved plans and shall thereafter be retained for those purposes whilst the building is in commercial use.

REASON

In the interests of protecting visual amenity and the highway safety.

06. APPROVAL CONDITION – Closure of gates

The existing gates enclosing the main car parking area shall be closed shut during the following hours of the week:

Monday to Friday	20.30 to 07.30 hours (8.30pm to 07.30am)
Saturday	Closed
Sunday	Closed

REASON

In the interests of protecting the residential amenity of neighbouring occupiers to prevent traffic associated with the dispensing of prescriptions from the pharmacy using the main car park area to the rear of surgery during out of hours surgery period.

06. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS10          A Healthy City

City of Southampton Local Plan Review – (March 2006)

SDP1          Quality of Development

HC3          Primary Health Care

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

PPG24 Planning and Noise (October 1994)

**Relevant Planning History**

1306/P35 Change of use of house to offices	Refused 12.04.1966
1352/P8 Convert house to 9 flat lets	Refused 11.06.1968
1354/P27 Convert house to 5 flat lets	Conditionally approved 09.07.1968
1432/P27 Pair semi detached houses with garages	Refused 22.02.1972
1606/E18 Use of house as doctors surgery with ancillary accom & widened access	Conditionally approved 10.11.1981
951310/E ERECTION OF A SINGLE STOREY EXTENSION TO SURGERY	Conditionally approved 23.07.1996
10/01508/FUL Single storey side extension and single storey rear extension to provide pharmacy and additional treatment room.	Conditionally approved 29.12.2010

**Condition 3 - Hours of Use**

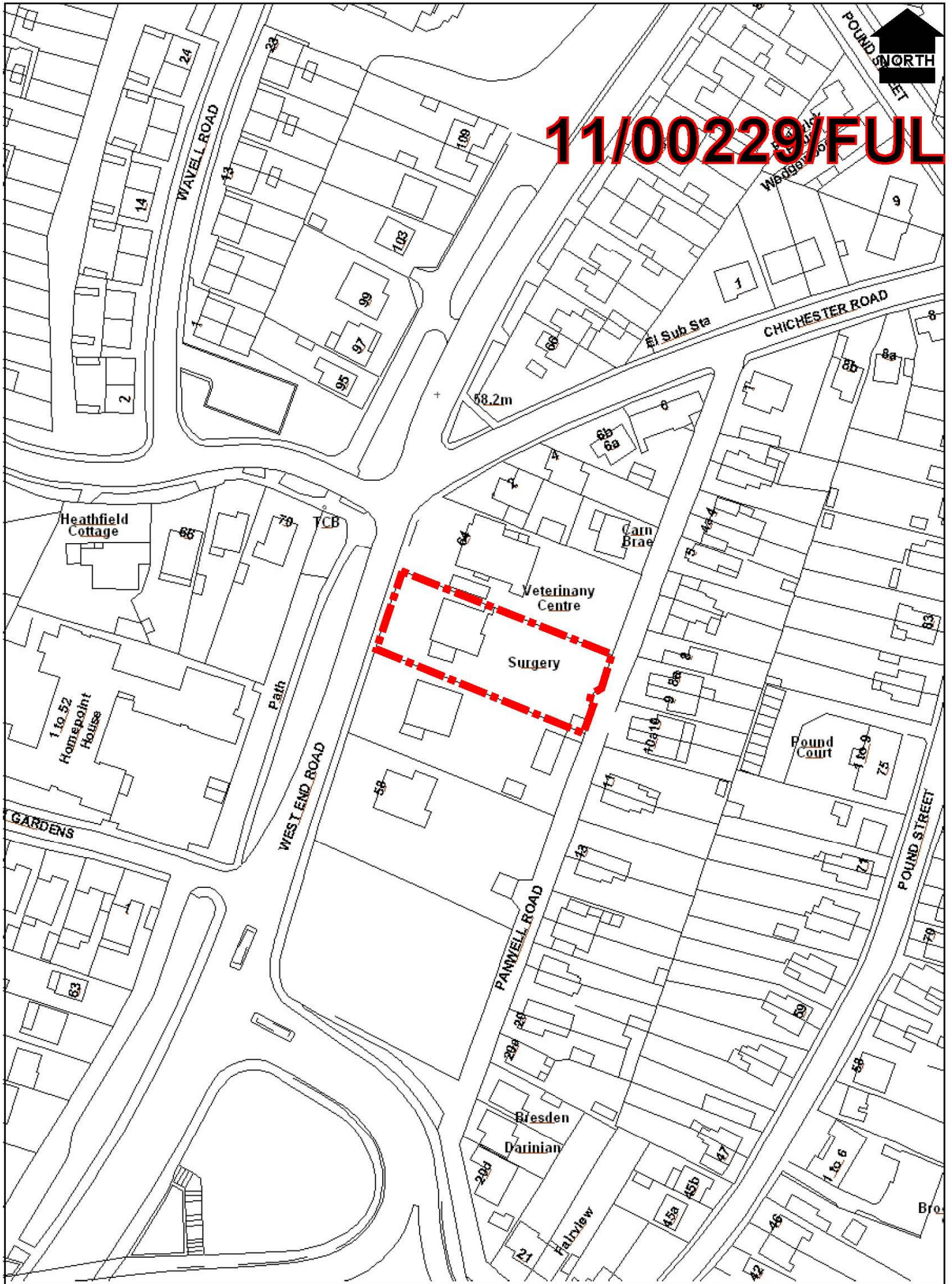
The pharmacy use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery associated with the permitted use) outside the following hours:

Monday to Thursday	09.00 hours to 18.00 hours	(11.00am to 11.00pm)
Friday and Saturday	09.00 hours to 18.00 hours	(11.00am to 12.00 midnight)
Sunday and recognised public holidays	CLOSED	

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

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



11/00229/FUL

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Date : 30 March 2011

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# Agenda Item 6

Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 12th April 2011  
Planning Application Report of the Planning and Development Manager

<b>Application address:</b> 11 Kitchener Road, SO17 3SF			
<b>Proposed development:</b> Erection of first storey extension to rear of property			
Application number	11/00079/FUL	Application type	FUL
Case officer	Charlotte Fleming	Public speaking time	5minutes
Last date for determination:	23/03/2011	Ward	Portswood
Reason for Panel Referral:	Planning and Development Manager referral	Ward Councillors	Adrian Vinson Steve Sollitt Vincenzo Capozzoli
<b>Applicant:</b> Mr .AAJ's		<b>Agent:</b> Mr Balbinder Heer	
<b>Recommendation Summary</b>	<b>Conditionally approve</b>		

## Reason for granting Permission

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).

<b>Appendix attached</b>			
1	Development Plan Policies		

## Recommendation in Full Conditionally approve

### 1. The site and its context

- 1.1 The application site comprises of one half of semi-detached pair of properties, located on the South side of Kitchener Road close to Southampton University. Number 11 Kitchener Road is in use as an established use as a C4 (HMO) dwelling house with 5 bedrooms.

- 1.2 The surrounding pattern of development is mainly characterised by two storey semi-detached properties of traditional design. However, there is a row of 3 detached bungalows adjacent to the site on its eastern side. Owing to the proximity of the road to the University of Southampton many of the properties in the road have become C4 dwelling houses. Many properties in the area (both C3 and C4 houses) have been extended and altered since their original construction.

## **2. Proposal**

- 2.1 The proposal seeks to provide a first floor rear extension, projecting 1.5m from the existing rear wall.
- 2.2 The proposed extension on the South of the property is required to increase the size and improve the layout and residential environment of a bedroom for the occupants of this 5 bed house in multiple occupation. The roof would extend from the main ridge of the building by 1.5m and match the angle of the existing roof.

## **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

## **4.0 Relevant Planning History**

- 4.1 None

## **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **3** representations have been received from surrounding resident, residents association and 1 local ward councillor.
- 5.2 Listed below is a summary of the issues raised by the objectors to the scheme:
- Overlooking potential.
  - Affect on amenity and privacy.
  - Impact on character of the area.
  - Potential for an HMO complex to be formed which would alter the character of the area.
  - Parking pressure.
  - Building work damage



- Disproportionate scale and mass.
- Loss of amenity space.
- Overdevelopment

## **6.0 Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:

### **6.2 Principle of Development**

6.2.1 The current scheme involves a proposal to extend the property by 1.5m at first floor level.

6.2.2 This is considered to be a modest extension which accords with the Residential Design Guide and is not considered to be out of character with the surrounding area or detrimental to the character of the dwelling house. The scheme will not harm neighbouring amenity or create additional overlooking. It does not contravene the 45° rule.

### **6.3 Existing use as an HMO**

6.3.1 No. 11 is currently in use as a 5 bed HMO (C4 use) but planning permission would not be required to convert the dwelling back to a family dwelling house (C3 use). The Local Planning Authority recommend the use of a condition to ensure that the use of the property is not intensified, thereby restricting the number of occupants at the HMO to no more than 5. Should the applicant wish to increase the number of occupants, planning permission for a variation of that condition would have to be sought.

### **6.4 Adequacy of the amenity space provided**

6.4.1 The remaining garden area and parking provisions is sufficient and as such for the residents, given that the scheme will not increase the number of tenants on the site, it is considered acceptable. As the development relates only to the first floor of no.11 the footprint of the building will not be altered and the existing amenity space remains as existing.

## **7.0 Conclusion**

7.1 The proposed extension satisfies the requirements of the Residential Design Guide and will not cause harm to neighbouring amenity. For these reasons the scheme can be supported.

**Local Government (Access to Information) Act 1985**  
**Documents used in the preparation of this report Background Papers**

[1(a), 1(b), 1(c), 1(d), 2(c), 2(e), 4(s), 6(c), 6(l), 7(a),7(c), 7(x), 9(a) and 9(b), and the Residential Design Guide SPD 2006 (CF 25/03/2011 for 12/04/2011 PROW Panel).

**CF for 12/04/2011 PROW Panel.**

**CONDITIONS for 10/01766/FUL**

**01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

**02. APPROVAL CONDITION - Materials to match [Performance Condition]**

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

**03. APPROVAL CONDITION - 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 9 Merton 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.

**05. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings other than those expressly authorised by this permission shall be inserted, at first floor level, in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties

#### 06. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP11	Accessibility & Movement
SDP13	Resource Conservation
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)

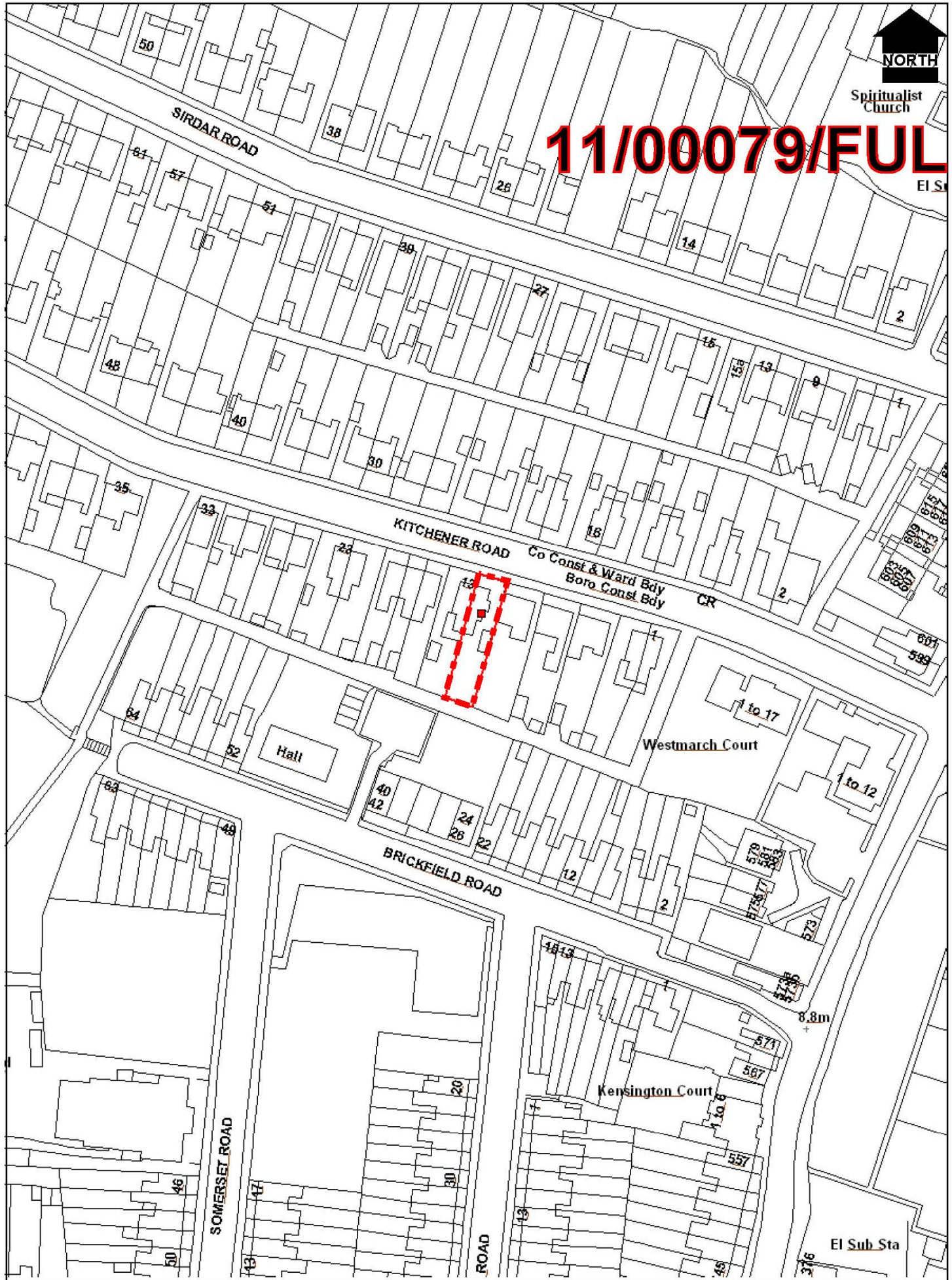
PPS3 Housing (November 2006)



Spiritualist Church

# 11/00079/FUL

EI St



Scale : 1:1250

Date : 30 March 2011

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# Agenda Item 7

Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 12<sup>th</sup> April 2011  
Planning Application Report of the Planning and Development Manager

<b>Application address:</b> 8 Shaftesbury Avenue, SO17 1SA.			
<b>Proposed development:</b> Rear roof extension with Juliette balcony to provide additional bedroom and balcony to existing 7 bedroom HMO (House of Multiple Occupancy) to create an 8 bedroom HMO.			
Application number	10/00584/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	02.07.2010	Ward	Portswood
Reason for Panel Referral	Referred by the Planning & Development Manager	Ward Councillors	Cllr Vincenzo Capozzoli Cllr Steve Sollitt Cllr Adrian Vinson
<b>Applicant:</b> Posh Pads		<b>Agent:</b> Barclay And Phillips	
<b>Recommendation Summary</b>	<b>Conditionally Approve</b>		

**Reason for Panel Referral:** The application is seeking to enlarge an existing sui generis House of Multiple Occupancy which has been objected to by a local ward member who has requested that should the application be recommended for approval the determination of the application should be made at the Planning and Rights of Way Panel.

### Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The occupation of this property is not considered likely to result in an unacceptable intensification of activity resulting in a material increase in the level of noise and refuse generated from the site. 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).

<b>Appendix attached</b>			
1	Development Plan Policies		

### Recommendation in Full

**Conditionally approve**

## **1.0 The site and its context**

- 1.1 The property is one half of a semi detached pair located in an area dominated by Edwardian semi detached family dwelling houses. The property fronts Shaftesbury Avenue with a typically imposing façade and a subservient section to the rear. The property is positioned on the Eastern side of Shaftesbury Avenue towards the end closest to the Portswood Shopping Centre.
- 1.2 The property is located in an area which is popular with student landlords due to the close proximity to the main campus of the University of Southampton.
- 1.3 In February 2010 the roof area of the properties at 8 and 10 Shaftesbury Avenue were subject to a major fire. The application therefore sought to repair damage caused and by altering the shape of the roof increase the number of bedrooms from 7 to 8. The work has now been completed prior to the decision being made but following the receipt of the planning application.
- 1.4 Owing to the proximity of the road to the University of Southampton (0.5 miles) many of the properties in the road have become Houses of Multiple Occupancy. Having researched the councils HMO Private Sector Housing records along with the Electoral Register 18 properties have been identified as being occupied by three or more unrelated individuals out of a total of 76 residential properties (24%)

## **2.0 Proposal**

- 2.1 The planning application seeks to alter the shape of the roof of the dwelling house and it is noted that the roof profile of the neighbouring dwelling (number 10) has been undertaken in a similar manner.
- 2.2 When the application was submitted the repairs to the fire damage were underway. At the time of writing this report the development had now been completed. The application includes the addition of three windows into the roof of the dwelling. Two of the windows will serve bedrooms and one will serve a bathroom. An additional window is also proposed at first floor level.

## **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

## **4.0 Relevant Planning History**

- 4.1 N/A.

## **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners. At the time of writing the report, **three** letters of objection have



been received from a local resident, the local residents association, and one from a local ward member.

5.2 Listed below is a summary of the issues raised by the objectors:

- Disproportionate development in bulk and size
- Overdevelopment of the site
- Out of character with the area
- Insufficient parking
- Lack of amenity space
- Over-intensive HMO occupation
- Loss of privacy and disturbance

5.3 **SCC Highways** - No Objection.

5.4 **SCC Environmental Health (Pollution & Safety)** – There is no record of any complaints relating to the site; this includes specific noise, parking, litter and/or odour issues in relation to the host dwelling or neighbouring properties.

## **6.0 Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:

- i. The principle of development;
- ii. The impact on character of the host dwelling;
- iii. The impact on the amenity of the surrounding area; and
- iv. The adequacy of the living environment for the residents.

### **6.2 Principle of Development**

6.2.1 The application is for an extension to the property and an increase in the number of bedrooms; as a consequence the amount of accommodation provided has increased. The principle of the proposal by increasing the size of the property and the formation of an additional bedroom and bathroom at second floor level is not objected to. There are no policies which directly prevent the proposed form of development taking place in this location as a matter of principle.

### **6.3 The impact on character of the host dwelling**

6.3.1 The element of the roof which has been enlarged (by raising the eaves and parapet wall height) concerns the rear section and additional alterations include the removal of one of the existing (redundant) chimneys.

6.3.2 The change to the roof profile is considered acceptable in appearance and does not poorly relate to the original building as the adopted design has retained the subordinate nature of the rear section of the building.

6.3.3 The comprehensive development, reflected by the semi-detached partner, helps to ensure that the scheme does not adversely affect the character of the dwelling. The width of the extension is also considered acceptable and the roof extension does not appear top heavy due to the scale of the largest element of the dwelling which fronts Shaftesbury Avenue.

6.3.4 The development adequately respects and maintains the character of the original dwelling.

#### 6.4 The impact on the amenity of the surrounding area

6.4.1 Additional windows can cause overlooking however where concern is raised in regard to overlooking windows can be obscured to prevent loss of privacy. Obscure glazing should therefore be conditioned for the rear facing velux window, the side facing bathroom velux window and the side facing first floor window.

6.4.2 It should be noted that by obscuring the windows as suggested above the habitable rooms which they serve will not become devoid of outlook for there are also windows serving these rooms which will not be obscurely glazed.

6.4.3 The increased level of accommodation for the site, from 7 bedrooms to 8, is not considered to significantly alter the amenity enjoyed by neighbouring occupants; the council have not received any letters of complaints relating to the development or associated activity since the works were completed.

#### 6.5 The adequacy of the living environment for the residents.

6.5.1 The garden area is sufficient (approximately 113.5m<sup>2</sup>) for the increased occupancy level.

### **7.0 Conclusion**

7.1 The extension satisfies the requirements of the Residential Design Guide and has not caused harm to neighbouring amenity. In addition the site is considered large enough to deal with the increased level of occupancy and the design is sympathetic to the character of the property. Since the construction and occupation of the property there have been no recorded complaints submitted to the Environmental Health Team and for these reasons the scheme can be supported.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(c), 2(e), 4(s), 6(c), 6(l), 7(a),7(c), 7(x), 9(a) and 9(b), and the Residential Design Guide SPD 2006 (MP 12/10/2010 for 26/10/20103PROW Panel).

#### **MP3 for 12/04/2011 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]**

Within 28 days of the date of this decision the window in the southern elevation at second floor level serving the bathroom, the window in the eastern elevation at second floor level serving a bedroom and the window in the southern elevation at first floor level serving a bedroom of the hereby approved development shall be glazed in obscure glass and shall only have a top light opening above a height of 1.7m above the floor level of the room to which it serves. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently retained in that form.

Reason:

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

02. APPROVAL CONDITION - Restricted use of flat roof area [Performance Condition]

The roof area of the extension hereby approved which incorporates a flat roof surface shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning authority.

Reason:

In order to protect the privacy of adjoining occupiers.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS13          Fundamentals of Design  
CS16          Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

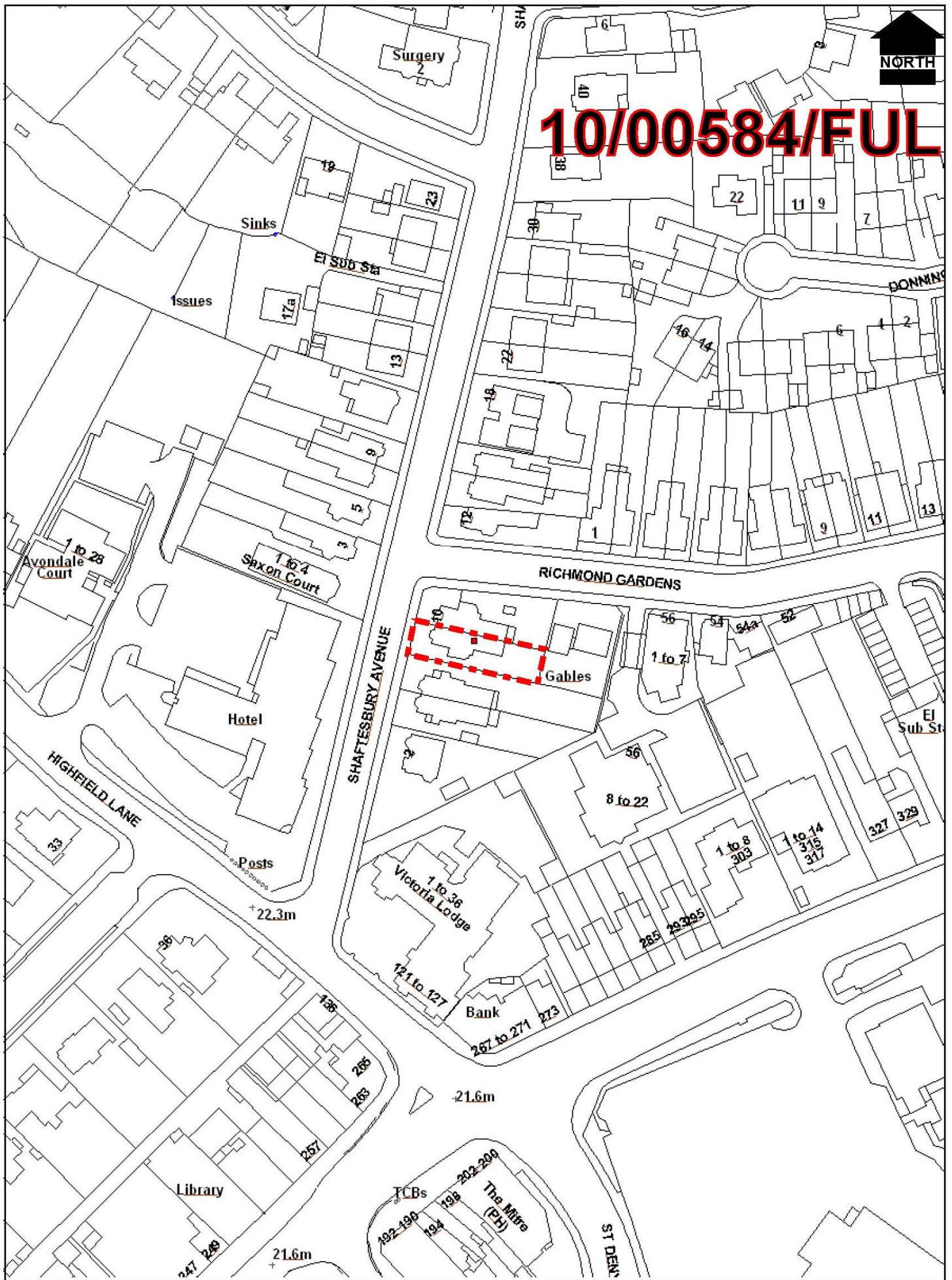
SDP1          Quality of Development  
SDP7          Urban Design Context  
SDP9          Scale, Massing & Appearance  
H4              Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS3          Housing



**10/00584/FUL**

Scale : 1:1250

Date : 30 March 2011

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# Agenda Item 8

Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 12th April 2011  
Planning Application Report of the Planning and Development Manager

<b>Application address:</b>  9 Merton Road SO17 3RB			
<b>Proposed development:</b>  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).			
Application number	10/01766/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5minutes
Last date for determination:	16/02/2011	Ward	Portswood
Reason for Panel Referral:	Member referral	Ward Councillors	Adrian Vinson Steve Sollitt Vincenzo Capozzoli

<b>Applicant:</b> Mr Purewal	<b>Agent:</b> Bps Design Consultants Ltd
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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## Introduction

The planning application was initially taken to the Planning and Rights of Way Panel held on 15<sup>th</sup> March 2011. Members of the Panel resolved to grant planning permission subject to the use of relevant planning conditions which are set out in this report. However, following the Panel meeting it was identified that one of the adjoining neighbours (number 13 Merton Road) had not been notified. It was therefore necessary for that neighbour to be consulted to ensure that the correct procedures have been followed. The neighbour notification letter was sent out on the 15<sup>th</sup> March 2011 and gave 21 days for a response. This period expires on 5<sup>th</sup> April 2011. At the time of writing this report no additional comments had been received; Should any further comments be received these will verbally be reported to the panel on 12<sup>th</sup> April 2011. The remainder of the report remains unchanged from that considered by Panel on 15<sup>th</sup> March as set out below.

## Reason for granting Permission

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).

<b>Appendix attached</b>			
1	Development Plan Policies		

## **Recommendation in Full**

### **Conditionally approve**

#### **1. The site and its context**

1.1 The application site comprises two dwellings, a pair of two storey semi-detached properties located on the west side of Merton Road which is close to Southampton University. Number 9 Merton Road is in use as an established use as a C4 (HMO) dwelling house with 5 bedrooms.

1.2 At present number 11 is in use as a C3 (family dwelling) house and shares the same rear building line as number 9 at both ground and first floor level. The rear window at ground floor level (closest to number 9) serves a kitchen which has a dining table.

1.3 Between number 9 and 11 the boundary treatment is formed by close boarded panel fencing which is 1.6m high for the first 2m (closest to the properties) and then rises to 1.8m for to the remaining length of the garden.

1.4 The surrounding pattern of development is characterised by family dwelling houses of traditional design. Owing to the proximity of the road to the University of Southampton many of the properties in the road have become C4 dwelling houses. Many properties in the area (both C3 and C4 houses) have been extended and altered since their original construction.

#### **2. Proposal**

2.1 The proposal seeks to extend both properties. The additional structure to number 11 would be single storey where as the extension to number 9 would be part single storey and part two storey.

2.2 The proposed two-storey side extension on the southern side of number 9 and single storey rear extension to the west side are required to improve the layout and residential environment for the occupants of this 5 bed house in multiple occupation. The proposed two storey extension would widen the property by 1.2m and would be 3.3m long. It would be set back from the front building line by 4.5m. The roof would be subordinate to the main ridge of the building by 1.5m and match the angle of the existing hipped roof.

2.4 At ground floor the extension at number 9 would wrap around the rear corner of the property and have a projection of 3.5m to the rear. The single storey element would be full width and where it meets the dwelling would be 3.8m high. The eaves of the structure would be 2.5m from ground level.

2.5 The extension at number 11 would in-fill the gap between the existing rear extension and the boundary between the semi detached pair (the southern boundary of the property). The projection will match that of the existing extension and that of the proposed extension at number 9 (3.5m). Owing to the design of the roof (existing) the proposed roof will pitch away from the parapet wall which will divide the two extensions of the semi detached pair.



### **3.0 Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

### **4.0 Relevant Planning History**

4.1 901156/W - ERECTION OF A SINGLE STOREY REAR EXTENSION AND DETACHED GARDEN STORE - CAP

4.2 10/00597/FUL - Erection of single storey rear and two storey side extensions to existing C4 (HMO) to form a 6 bedroom C4 dwelling house (HMO). - REF

4.3 10/00958/FUL - Erection of single storey rear and two storey side extensions to existing C4 (HMO) to form a 6 bedroom C4 dwelling house (HMO) and with external garden store (resubmission of 10/00597/F) - REF

Reason or Refusal: The proposed development by reason of its rearward projection, height and immediate proximity to the neighbour at number 11 Merton Road in combination with the orientation of the two properties would have a harmful impact on the residential amenities currently enjoyed by neighbouring occupiers, in terms of increased shadowing of and reduced outlook from habitable room windows. The development would accordingly contravene policies SDP1 (i) (and be contrary to paragraphs 2.2.1, 2.2.2, 2.2.11 and 2.2.12, 2.2.13, 2.2.19 of the Residential Design Guide 2006), SDP7 (v) and SDP9 (i), (v) of the City of Southampton Local Plan Review Adopted Version March 2006; and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

### **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners. At the time of writing the report 5 representations have been received from surrounding residents including 1 local ward councillor .

5.2 Listed below is a summary of the issues raised by the objectors of the scheme:

- Overlooking potential.
- Affect on amenity and privacy.
- Ecological impact.
- Character of area.
- Parking pressure.
- Noise and dust.
- Disproportionate scale and mass.
- Loss of amenity space.
- Potential for an HMO complex to be formed which would dramatically alter the character of the area.

## **6.0 Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:

### **6.2 Principle of Development**

6.2.1 Following the refusal of the two previous schemes with reference 10/00597/FUL and 10/00958/FUL, discussions have been held between the LPA and the agent/applicant. The outcome was the potential for a joint application for both properties (9 and 11) whereby the single storey rear extension at number 11 is constructed prior to the extension at number 9.

6.2.2 The current scheme involves a proposal to extend both properties. The reasons for refusal can be overcome by adopting this approach.

6.2.3 The previous reason for refusal is focused on the impact of the single storey rear extension, of number 9, and the harm which would have been caused to the amenity currently enjoyed by the occupants of number 11 in terms of increased shadowing and reduced outlook from habitable room windows.

6.2.4 The shared application has overcome this issue by ensuring that the rear projection at ground floor level is equalled at both properties. Planning conditions can be used to ensure that the extension at number 11 (and to the north) is constructed prior to the extension to the south (at number 9).

6.2.5 The remaining elements of the scheme (the two storey side extension at number 9 will not harm neighbouring amenity and have been judged to be acceptable. Significant overlooking will not be caused as there are no additional windows proposed facing down the garden or to the side (towards number 7 Merton Road). Furthermore being located to the north of the neighbour at number 7 Merton Road overshadowing will not be caused by the addition. The small scale design of the two storey element accords with the RDG and cannot be considered out of character with the surrounding area or detrimental to the character of the dwelling house, as such the two storey element has not been objected to previously and should therefore be supported.

### **6.3 Existing use as an HMO**

6.3.1 Number 9 is currently in use as a 5 bed HMO (C4 use), planning permission would not be required to convert the dwelling back to a family dwelling house (C3 use). The Local Planning Authority recommend the use of a condition to ensure that the use of the property is not intensified, thereby restricting the number of occupants at the HMO to no more than 5. It should be noted that the applicant has agreed to this proposal however should the applicant wish to increase the number of occupants planning permission or a Variation of Conditions application would be required.

### **6.4 Adequacy of the amenity space provided**

6.4.1 The remaining garden area for both sites is sufficient and as such the residential environment for the proposed residents, given that the scheme will increase the scale of accommodation on site, is acceptable.

6.4.2 The development at number 9 would occupy 25Sq.M and the development at number 11 would occupy 21Sq.M. The remaining garden area for each would exceed 150Sq.M. The area of garden remaining exceeds the minimum garden size for a semi detached house as defined within the Residential Design Guide and the space is considered sufficient in terms of both quality and usability to serve the level of occupancy having regard to the context of other gardens in the area.

## **7.0 Conclusion**

7.1 The proposed extension satisfies the requirements of the Residential Design Guide and will not cause harm to neighbouring amenity. In addition the site is considered large enough to deal with the proposal and the design is sympathetic to the character of the property. For these reasons the scheme can be supported.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

[1(a), 1(b), 1(c), 1(d), 2(c), 2(e), 4(s), 6(c), 6(l), 7(a),7(c), 7(x), 9(a) and 9(b), and the Residential Design Guide SPD 2006 (MP 12/10/2010 for 26/10/20103PROW Panel).

#### **MP3 for 12/04/2011 PROW Panel**

### **CONDITIONS for 10/01766/FUL**

#### **01. APPROVAL CONDITION - Phasing**

Prior to the construction of the development hereby approved at number 9, the development works at number 11 Merton Road hereby approved shall be completed in their entirety.

##### **REASON:**

As individually the rear extensions cause potential harm to the residential amenity of its neighbour, but as a comprehensive scheme developed in tandem this harm is overcome.

#### **02. APPROVAL CONDITION - Materials to match [Performance Condition]**

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

##### **Reason:**

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

#### **03. APPROVAL CONDITION - 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 the number 9 Merton 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.

04. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings other than those expressly authorised by this permission shall be inserted, at first floor level, in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties

05. APPROVAL CONDITION Cycle Storage Facilities [Pre-Occupation Condition]

The approved cycle storage facilities shall be constructed in accordance with the approved plans 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.

06. APPROVAL CONDITION - Refuse & Recycling [Pre-Occupation Condition]

The hereby approved refuse storage facilities shall be constructed in accordance with the approved plans prior to the construction of the hereby approved extension at number 9 Merton Road. Such facilities as approved shall be permanently retained for that purpose.

Reason:

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

07. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

08. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP11	Accessibility & Movement
SDP13	Resource Conservation
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

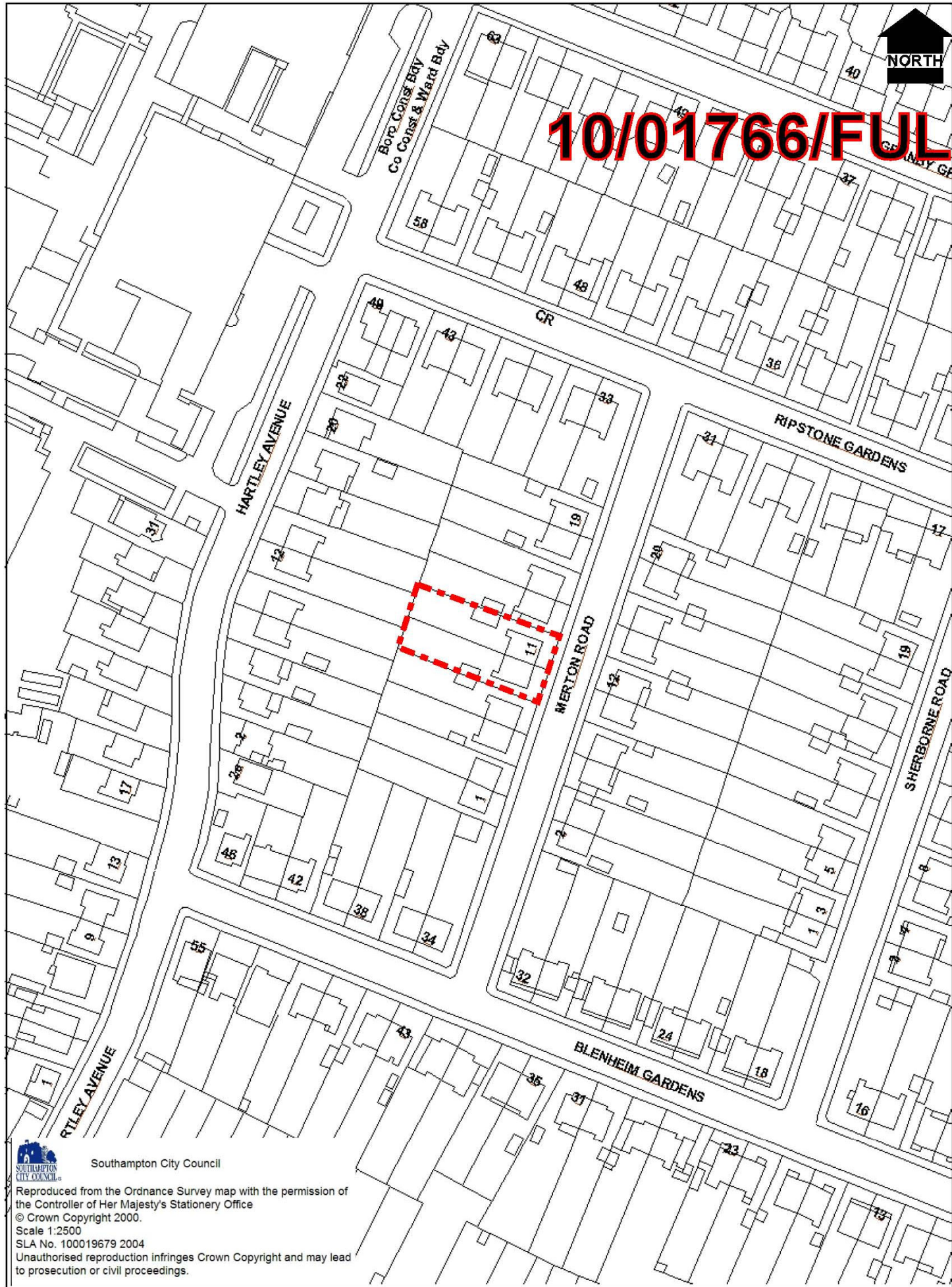
Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

- PPS1 Delivering Sustainable Development (February 2005)
- Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)
- PPS3 Housing (November 2006)



**10/01766/FUL**



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