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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 16 AUGUST 2011

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Present: Councillors Jones (Chair), Claisse (Except Minutes 39 and 41) (Vice-Chair), Mrs Blatchford, Cunio, L Harris, Osmond and Thomas (Except Minute 38)

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

**RESOLVED** that the Minutes of the Meeting held on 19<sup>th</sup> July 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.

32. **UNIT A, BAKERS WHARF, 20-40 MILLBANK STREET 11/01007/FUL**

Retention of use for the production of sheet plastic (Class B2 - general industrial use) together with the retention of associated elevational changes including 8 grilles to northern facade and noise attenuated vents to roof.

Mr Patrick (Agent), Mr Reay (Interested Party), Ms Salomon-Olsen (Chamber of Commerce), Ms Tarandip (Local Resident) and Councillor Barnes-Andrews (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE OFFICER RECOMMENDATION (1) TO REFUSE PLANNING PERMISSION WAS CARRIED

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Claisse, L Harris, Osmond and Thomas

AGAINST: Councillors Jones and Cunio

UPON BEING PUT TO THE VOTE OFFICER RECOMMENDATION (2) TO INSTITUTE COURT PROCEEDINGS WAS CARRIED

RECORDED VOTE

FOR: Councillors Jones, Mrs Blatchford, Claisse, L Harris, Osmond and Thomas

ABSTAINED: Councillor Cunio

UPON BEING PUT TO THE VOTE OFFICER RECOMMENDATION (3) TO PROVIDE THE APPLICANT WITH AN UPDATED LIST OF AVAILABLE COMMERCIAL PROPERTY WAS CARRIED UNANIMOUSLY

**RESOLVED**

- (i) that planning permission be refused for the reason set out below;
- (ii) that Court proceedings should be instituted to prosecute the breach of the Enforcement Notice, to secure the cessation of the unauthorised use for the manufacture of plastic products; and,

- (iii) that the applicant be provided with an updated list of available commercial property suitable for relocation.

### REASONS FOR REFUSAL

The retention of this general industrial use, operating on a 24 hour a day basis for most days of the year is considered to be injurious to the residential amenities of those living in the Northam Estate opposite the site during the late evening and early morning hours, especially during still, dry weather conditions, by reason of adverse noise impact. Notwithstanding the works which have been undertaken to seek to mitigate noise impact, a number of site visits have revealed a low continuous tonal hum is still present, with intermittent noise episodes, such as a bell ringing when certain plant is in operation, clearly distinguished above background noise levels in the immediate area. The council, as local planning authority, is mindful that such disturbance has been present since 2002; the use is unlawful and has generated complaints, substantiated by noise monitoring. Two planning Appeals have been dismissed, the latter to an Enforcement Notice, which the Inspector upheld and which the applicant has breached. The last Inspector was not prepared to impose mitigating conditions without the certainty of such mitigation working. Officers have also witnessed a side fire exit door being left open and consider that conditions requiring openings to be kept shut during certain hours, deliveries not to be received during certain hours and on-going maintenance of plant to involve an intolerable level of supervision, where the basic test of enforceability is therefore in grave doubt. The council notes the local employment Baba Trading provides, but in overall terms considers the harm from this use continuing on a 24 hour a day basis to be harmful to the amenities of those living close by. As such, the proposals are considered to be contrary to 'saved' Policies SDP1 (i) and SDP16 (i) of the City of Southampton Local Plan Review (March 2006).

33. **THE BOATHOUSE, THE TRIANGLE, COBDEN BRIDGE 10/01041/FUL**

Redevelopment of the site. Erection of a part 4, part 5, and part 6-storey building to provide 51 sheltered housing flats for the elderly (36 x one bedroom and 15 x two bedroom units) with associated parking and a riverside walk.

Mr Child (Agent), Mr Chapman (Dellwharf Residents Society Limited), Mrs Badham (Police) and Mrs Covall (Local Resident) 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 SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Claisse, L Harris, Osmond and Thomas

AGAINST: Councillor Cunio

### **RESOLVED**

- (i) that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-

- (a) the applicant entering into a Section 106 Legal Agreement to secure:
- i. 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);
  - ii. A financial contribution towards strategic transport projects for improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
  - iii. Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
  - iv. Provision of affordable housing in accordance with Core Strategy Policy CS15;
  - v. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives in line with Core Strategy Policies CS24 and CS25;
  - vi. 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;
  - vii. Submission, approval and implementation of a Construction Traffic Management Plan;
  - viii. Dedication of land to public use, construction and maintenance of a public riverside walk;
  - ix. A refuse management plan
- (b) the conditions in the report, the additional conditions below;

#### Additional Conditions

31 Age restriction

Occupation of the development shall be limited to persons of over 60 years old or

where there are two or more persons resident, then at least one person shall be over 60 and the remaining occupants shall be at least 55 years old.

**REASON:**

The Council has had regard to the special circumstances of this residential development in terms of car parking arrangements, amenity space and housing mix as set out in adopted policy CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and is prepared to grant permission on a restricted basis only.

**32 Highway Construction**

No development shall take place until details of the means of construction for the part of the building adjoining the public highway in Cobden Avenue, including measures for maintaining the stability of the highway, have been submitted to and approved in writing by the Local Planning Authority. The construction shall be undertaken in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority

**REASON:**

In the interests of highway safety.

**REASONS FOR DECISION**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered, including the scale and form of the proposal, the traffic and parking considerations, safety and security issues associated with the proposed riverside walkway 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, SDP 4, SDP 5, SDP 6, SDP7, SDP 8, SDP9, SDP 10, SDP 11, SDP 12, SDP 13, CLT 5, CLT 11, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and Policies CS3, CS4, CS6, CS12, CS13, CS14, CS15, CS16, CS19, CS20, CS23 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

**34. BOLDREWOOD CAMPUS, BASSETT CRESCENT EAST 11/00963/TIME**

Extension of time to implement previous planning permission (ref 07/00985/OUT) to redevelop the site with new buildings of up to 32,000 square metres floor space for University purposes, 468 car parking spaces, landscaping, temporary and permanent access arrangements, including a new vehicular access from Burgess Road and ancillary works (outline application seeking approval for access arrangements).

Mr Reay (Agent), Mrs Cowie and Mrs Wawman (Local Residents) 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 SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Claisse, Cunio, Osmond and Thomas

AGAINST: Councillor L Harris

**RESOLVED**

- (i) that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-
  - (a) the applicant entering into a Section 106 Legal Agreement to secure:
    - a) a financial contribution towards measures to encourage the use of alternative modes of transport to the private car in line with 'saved' Policy SDP4 of the City of Southampton Local Plan Review (March 2006), the Local Transport Plan, and the adopted SPG relating to Planning Obligations (August 2005 as amended) as supported by the adopted LDF Core Strategy (2010) highway policies;
    - b) a financial contribution towards off-site highway works related to the scale of development proposed in line with 'saved' Policy SDP4 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended) as supported by the adopted LDF Core Strategy (2010) highway policies;
    - c) a Highway Condition Survey & Means of Reinstatement Report;
    - d) provision for works under S.278 of the Highways Act to create the new access and signalised junction – if required;
    - e) the submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy and;
    - f) the submission, approval and implementation of a Green Travel Plan (GTP) to address the impact of the parking provision so that it can be assessed along with the transport needs of the development; and
    - g) A Waste Management Strategy;

In addition to that previously agreed the S.106 should also include:

- h) A local training and employment plan to ensure access to jobs for local people is secured (both during and after construction) in accordance with LDF Core Strategy Policy CS24.

In the event that the legal agreement is not completed **by 6<sup>th</sup> September 2011** the Planning and Development Manager be authorised, if required, to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

- (b) the conditions in the report.

### REASONS FOR DECISION

The development relates to the extension in time of the planning permission 07/00985/OUT that was approved by the City Council in June 2008 following the completion of a S.106 Legal Agreement. It is again acceptable taking into account the policies and proposals of the current Development Plan as set out below. Other material considerations that have arisen since June 2008, including the change in national guidance, the adoption of the Council's LDF Core Strategy (2010), recent appeal decisions along the Avenue, and those other considerations put forward by third parties, and considered as part of the report to the Council's Planning & Rights of Way Panel in August 2011, do not have sufficient weight to justify a refusal of the application. Instead, significant weight has been afforded to the outline permission 07/00985/OUT as updated by the recent detailed approvals for Phase 1, its electricity substation and the associated multi-decked car park. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), Planning Permission should therefore be granted.

Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE6, L7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by policies CS6, CS11, CS13, CS18, CS19, CS20, CS22, CS24 and CS25 of the adopted Local Development Framework Core Strategy (2010) and the Council's current adopted Supplementary Planning Guidance.

35. **130 PORTSMOUTH ROAD 11/00802/FUL**

Erection of a part single-storey, part three-storey rear extension to facilitate conversion from a three bedroom dwelling to 5 flats (4x two-bed and 1x three-bed) with car parking to the front and rear.

Mr Sayle (Agent), Mr Cook and Ms Fox (Local Residents) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Jones, Claisse, Mrs Blatchford, Osmond  
AGAINST: Councillor Cunio and Councillor L Harris  
ABSTAINED: Councillor Thomas

**RESOLVED** that conditional planning permission be granted subject to the conditions in the report and the additional condition set out below.

Additional Condition

15 Lighting

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

REASON:

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

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. 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, SDP4, SDP5, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and Policies CS4, CS5, CS13, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010); National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport) are also relevant to the determination of this planning application.

36. **2 NIGHTINGALE GROVE AND 34 NIGHTINGALE ROAD 11/00443/TIME**

Extension of time to implement planning permission 07/01656/FUL. (Erection of 9 x three-bedroom dwellings within 2 part two/part three-storey terraced blocks with associated parking and amenity space).

Mr Chalke, Mr Haskell, Ms Lloyd, Mr Rabbetts (Local Residents) 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 DELEGATE AUTHORITY TO THE PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Claisse and Osmond

AGAINST: Councillors Cunio, L Harris and Thomas

### **RESOLVED**

- (i) that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-
- (a) the applicant entering into a Section 106 Legal Agreement to secure:
- i. 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);
  - ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
  - iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);  
  
Amenity Open Space ("open space")  
Playing Field;
  - iv. 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.
  - v. An undertaking to ensure that the development is completed to shell and core within 24 months of the date of the planning permission. A re-evaluation to take place in the event that this is not achieved with any uplift up to an agreed sum payable to meet



- Section 106 mitigation measures.
- vi. Submission and implementation within a specified timescale of a Council approved Waste Management Plan.
  - vii. In the event of a Residents' Parking Scheme being introduced within Nightingale Grove or Nightingale Road that residents of the development not be eligible for parking permits.

In the event that the legal agreement is not completed within two months of the date of the meeting that the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

- (b) the conditions in the report, the amended and additional conditions below;

### Amended Conditions

#### 3 Boundary Treatment

No further development shall take place until details of retaining walls to be constructed are submitted to and approved by the Local Planning Authority in writing. Before the development hereby approved first comes into occupation, the approved boundary treatment shall be provided in accordance with the details approved and in accordance with drawing number 1908/WD01 Rev D received by the Local Planning Authority on the 3rd March 2011. The boundary treatment shall thereafter be retained as agreed.

#### REASON:

In the interests of the privacy of the neighbouring properties and to secure a satisfactory residential environment.

#### 17 Construction Environment Management Plan

Prior to the commencement of any further development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. The plan shall also include details of (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary and (e) wheel cleaning facilities for construction traffic. All specified measures shall be available and implemented during any processes for which those measures are required. For the avoidance of doubt, no bonfires are to be allowed on site during the period of demolition, clearance and construction and no vehicles associated with the construction and demolition of the development shall access the site from Nightingale Grove.

REASON:

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

Additional Conditions

20 Refuse and Recycling Collection Point

With the exception of refuse and recycling collection days, no refuse containers shall be left at the collection point in the access from Nightingale Grove, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of the amenities of the neighbouring occupiers.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on 16.08.11 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. 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 taking 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, CS16, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2011) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

37. **30 HIGH ROAD 11/00437/FUL**

Erection of 2-storey, 1 x 4 and 1 x 3-bed, semi-detached houses with accommodation in the roof space, rear dormer windows, associated parking and refuse/cycle storage.

Mr Poswall (Applicant), Mrs Lisle (Local Resident) and Councillor Vassiliou (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

Officers recommended an amendment to condition no 11 and three additional conditions in respect of land contamination, detailed below:

**Amend condition 11:**

APPROVAL CONDITION – Refuse and Cycle Storage [performance condition]

The store for plot A for the refuse containers and cycles and the access to them shall be provided in accordance with the details hereby approved before the development first comes into occupation and thereafter retained as approved. Before the

development hereby approved first comes into occupation, revised details of the bin and cycle storage for plot B shall be submitted to the Local Planning Authority for approval in writing. The storage shall be provided prior to first occupation and thereafter retained as approved.

Reason:

To secure a satisfactory form of development

**Additional Conditions:**

APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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 scene 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.

APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

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

Reason:

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

APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

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

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT  
CONDITIONAL PLANNING PERMISSION WAS LOST

RECORDED VOTE:

AGAINST: Councillors Jones, Mrs Blatchford, Claisse, Cunio, L Harris and  
Thomas

ABSTAINED: Councillor Osmond

A FURTHER MOTION PROPOSED BY COUNCILLOR MRS BLATCHFORD AND  
SECONDED BY COUNCILLOR JONES THAT THE APPLICATION BE REFUSED  
FOR THE FOLLOWING REASONS WAS CARRIED

#### REASONS FOR REFUSAL

Overdevelopment of the site

The proposal would represent an overdevelopment of the site by reason of the following design issues:

(i) The separation distances between the proposed dwellings and the rear of the existing dwellings at 30-32 High Road and the properties in Rayners Gardens are less than those set out in the Residential Design Guide adopted Supplementary Planning Document (September 2006), meaning that the proposal would have an adverse impact on the amenities of the existing and future occupants of the neighbouring property (paragraphs 2.2.1 to 2.2.10 of the Residential Design Guide refers). The development would therefore, prove contrary to the provisions of policy CS13 (11) of the

Southampton Local Development Framework Core Strategy Development Plan Document (January 2010) and saved policies SDP1 (i), SDP7 (v), SDP9 (v) and H2 (iii) of the City of Southampton Local Plan Review (March 2006).

(ii) It has not been demonstrated that an acceptable width of vehicular access into the site can be achieved which could therefore have a detrimental impact on the safety and convenience of the future occupiers of the site and users of the adjacent highway. This proves contrary to saved policies SDP1 (i) and SDP4 of the Southampton Local Plan Review (September 2006).

(iii) The storage for refuse and recycling is overly remote to the collection point on High Road which would create a poor residential environment for future occupants of the development and is likely to result in refuse containers being permanently left adjacent to the public highway to the detriment of the character of the area. This is not in accordance with policies SDP1 (i) and as supported by section 9.3 of the Residential Design Guide Supplementary Planning Document.

(iv) The storage for cycles is not conveniently located in terms of taking cycles from the store to the public highway. The development would therefore fail to promote cycling as a sustainable alternative to the private car and would therefore, not be in accordance with policy CS19 of the Southampton Core Strategy (January 2010), saved policy SDP5 (iii) of the Local Plan Review and as supported by section 5.3 of the Residential Design Guide Supplementary Planning Document (September 2006); and,

(v) The percentage site coverage of built form and hard surfaced areas at just under 68.9%, exceeds the guidance of paragraph 3.9.2 of the Residential Design Guide (September 2006).

**RECORDED VOTE**

FOR: Councillors Jones, Mrs Blatchford, Claisse, Cunio, L Harris and Thomas

ABSTAINED: Councillor Osmond

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

38. **241 ALDERMOOR ROAD 11/00447/FUL**

Change of Use of ground floor to hot food takeaway (Class A5).

Mr Pottiwal (Applicant) and Ms Dyer (Local Resident) were present and with the consent of the Chair, addressed the meeting.

Councillor Thomas (Ward Councillor) was present and with the consent of the Chair, addressed the meeting. After speaking Councillor Thomas withdrew from the meeting and was not present for the determination of this item.

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

**RESOLVED** that conditional planning permission be granted subject to the conditions in the report and the additional condition set out below.

### Additional Condition

#### 6 APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour

No cooking process shall take place until and unless the approved scheme for the control of noise, fumes and odours from extractor fans and other equipment has been installed and operated and thereafter maintained in full working order. The development shall be implemented in accordance with the approved details and findings.

REASON:

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

### REASONS FOR DECISION

The principle of a change of use of from the currently vacant A1 shop to an A5 takeaway use is acceptable and this would contribute to the viability of the local parade and street activity during the daytime without an adverse impact on public amenity and highway safety. The change of use would not be materially harmful to visual amenity and therefore compliant with "saved" Policies SDP1 of the City of Southampton Local Plan Review (March 2006) and Policy CS3 and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010). Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable.

#### 39. **8 SHERBORNE ROAD 11/00753/FUL**

Erection of a part single storey and part two storey rear extension and single storey side extension (Resubmission 11/00264/FUL).

Mr Gillen (Highfield Residents' Association), Ms Blue (Local Resident) and Councillors Claisse and Vinson (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, L Harris, Osmond and Thomas

AGAINST: Councillor Cunio

**RESOLVED** that conditional planning permission be granted subject to the conditions in the report and the additional condition set out below.

### Additional Condition

06 Restricted number of occupants

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order amending, revoking or re-enacting that Order, the number of occupants at 8 Sherborne Road shall not exceed five.

**REASON:**

To prevent an over intensified use of the property in the interest of preventing actual and perceived fear of harm to residential amenity within the area caused by a sixth person living within the property, given the high proportion of properties in the area which are used as houses in multiple occupation and the limited car parking available on site and on-street in the general area.

**REASONS FOR DECISION**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including impact on the appearance of the host dwelling, character and appearance of the area and residential amenities (including the intensification of use) 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 (i) (ii), SDP7 (iv) and SDP9 (i) (v) of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

NOTE: Councillor Claisse declared an interest and withdrew from the meeting for the determination of this item.

40. **36 OMDURMAN ROAD 11/00892/FUL**

Erection of a part two-storey, part single-storey side extension.

Mr Faulk (Applicant), Mr Gillen (Highfield Residents' Association), Mr Holloway, Mr Gundlach (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 GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED

**RECORDED VOTE:**

FOR: Councillors Jones, Mrs Blatchford, Cunio, Osmond and Thomas  
AGAINST: Councillors Claisse and L Harris

**RESOLVED** that conditional planning permission be granted subject to the conditions in the report.

**REASONS FOR DECISION**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including impact on appearance of the host dwelling, character and appearance of the area and residential amenities in terms of a loss of privacy, outlook and overshadowing have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these

matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

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

41. **8 GROSVENOR CLOSE 11/00871/FUL**

Erection of a single-storey rear and side extension (existing garage to be demolished) (resubmission of 11/00379/FUL).

Mr Banyard (Agent), Mr Gillen (Highfield Residents' Association) and Councillor Vinson (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

**RESOLVED** that conditional planning permission be granted subject to the conditions in the report.

**REASONS FOR DECISION**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including impact on appearance of the host dwelling, character and appearance of the area and residential amenities in terms of a loss of privacy, outlook and overshadowing have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

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

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

42. **73 MILTON ROAD 11/00754/FUL**

Erection of a single storey rear extension.

Officers recommended that the application be deferred to enable the description of development to be amended to read 'Replacement two storey extension and part single storey rear extension'

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DEFER WAS CARRIED UNANIMOUSLY



**RESOLVED** that the item be deferred.

43. **ROSEBANK COTTAGE AND LAND ADJOINING INCLUDING PART OF FORMER PLAYING FIELDS, STUDLAND ROAD**

Re-development of the site. Demolition of Rosebank Cottage and erection of 31 dwellings (12 x two-bedroom flats, 7 x two-bedroom houses, 10 x three bedroom houses and 2 x 4 bedroom houses) with associated access and parking, includes closure of part of the public highway in Studland Road (Outline application seeking approval for access, layout and scale).

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO RECEIPT OF AN UNDERTAKING FROM THE HEAD OF PROPERTY AND PROCUREMENT SERVICES THAT THE TRIPARTITE CONTRACT FOR THE SALE OF LAND BE CONDITIONAL UPON RAGLAN HOUSING ASSOCIATION OR ANY OTHER SUBSEQUENT LANDOWNER ENTERING INTO A S106 AGREEMENT SIMULTANEOUSLY TO THE LAND TRANSFER WAS CARRIED

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Claisse, Cunio, L Harris and Osmond

AGAINST: Councillor Thomas

**RESOLVED** that:

- (a) approval be given for the stopping up of that piece of public highway in Studland Road forming the existing site access under Section 257 of the Town and Country Planning Act necessary to allow the development to proceed;
- (b) conditional planning permission be granted subject to the receipt of an undertaking from the Head of Property and Procurement Services that the tripartite contract for the sale of the land owned by the Council and Mr Daniel Grimes, the subjects of this application, will be conditional upon Raglan Housing Association or any other subsequent landowner entering into a S106 agreement with the Council simultaneously to the land transfer to secure the following:-
  - i. 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);
  - ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
  - iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT3, CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policies CS21 CS25 of the adopted LDF Core Strategy

(2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended), to mitigate for the loss of that part of the site which is currently protected open space:-

- Amenity Open Space (“open space”);
  - Playing Field;
  - Play space/equipment;
- iv. The provision of 35% of the dwellings as affordable housing, in accordance with Policy CS15 of the adopted LDF Core Strategy (2010);
- v. 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; and
- (c) subject to the conditions in the report.

### REASONS FOR DECISION

Following the Panel resolution of the 31<sup>st</sup> August 2010, the Council has been unable to secure one of the mortgagee's, linked with the parcel of land owned by Mr Grimes, to become party and sign the Section 106 Agreement, as a result of that mortgagee's own policy on signing Section 106 Agreements. As such, as currently resolved the planning permission cannot be issued and the delivery of the scheme has stalled. Therefore to ensure deliverability of the scheme the Council, subject to advice from the Council's Solicitor acting on behalf of the Council, is satisfied that a tripartite contract between all interested parties provides the control over the land to revise the procedure for completing the Section 106 as recommended by this report. In short, the Section 106 Agreement can be completed at the land transfer stage, without the mortgagee in question, thus enabling the planning permission to be issued and the scheme free to be implemented.

#### 44. **PARKING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

The Panel received and noted the report of the Planning and Development Manager in respect of the Supplementary Planning Document setting out vehicle and cycle parking outside the defined City Centre area. (Copy of the report circulated with the agenda and attached to the signed minutes).

The Panel discussed and endorsed the report which will be presented to Cabinet, with the request that sufficient consideration be given to vehicles of alternative fuel types.