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SOUTHAMPTON CITY COUNCIL  
PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 13 MARCH 2012

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Present: Councillors Jones (Chair), Claisse (Vice-Chair), Mrs Blatchford (except Minute 107), Cunio, L Harris, Thomas and Fuller

Apologies: Councillor Osmond

100. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

The Panel noted that Councillor Fuller was in attendance as a nominated substitute for Councillor Osmond in accordance with Procedure Rule 4.3.

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

**RESOLVED** that the Minutes of the Meeting held on 14<sup>th</sup> February 2012 be deferred in order to seek further clarification.

102. **39 ARCHERS ROAD /11/01336/FUL**

The Panel considered the report of the Planning and Development Manager recommending the draft reasons for refusal listed in the report for a proposed development at the above address.

Redevelopment of the site. Demolition of the existing building and erection of a part 3-storey, part 4-storey and part 5-storey building to provide 20 flats (7 x 1-bedroom, 7 x 2-bedroom and 6 x 3-bedroom) with associated storage and parking. (Copy of the report circulated with the agenda and appended to the signed minutes).

**RESOLVED** unanimously that the application be refused for the following reasons as stated in the report: Inadequate level of car parking; Poor quality of design and Failure to enter into a Section 106 Agreement.

103. **AREA HOUSING OFFICE, PARKVILLE ROAD /12/00033/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Kiddle (Applicant), Mr Monaghan (supporting) (University of Southampton), Mr Roath, Mr Symes, Mr Raiyat (supporting) (Local Businessmen), Mr Perkis (objecting) (Local Businessman), Mr Hopgood, Mr Dixon (objecting) (Local residents), Councillor

Vassiliou and Councillor Turner (objecting) (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and subject to the following amended and additional conditions.

RECORDED VOTE

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

AGAINST: Councillor Thomas

Amended S.106 Heads of Terms

- i) An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of either the Southampton Accreditation Scheme for Student Housing (SASSH) or the Universities UK Code of Practice for University managed Student Accommodation in accordance with Local Plan Policy H13(v);
  
- viii) With the exception of disabled students who will be entitled to park within the designated disabled bays, no student shall be entitled to park on the land or to obtain parking permits to the Council's Controlled Parking Zones. A letter to each student of the scheme explaining that students are discouraged from bringing a car to university shall be sent prior to each occupation. A restriction on car parking will be contained within the Contract for accommodation. The car parking restriction policy will be displayed at a prominent location within the scheme. The University will log any complaints from local residents which are believed to be linked to the parking of cars in the locality by students. The University will circulate these complaints to the residents of the scheme and will remind them of their responsibilities towards local residents.

Amended Condition

**25.APPROVAL CONDITION - Refuse & Recycling Bin Storage – In accordance**  
Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved amended plans listed below. All storage shall be located and retained inside the building and, with the exception of the medical centre and pharmacy, shall be presented to the Stoneham Way/High Road layby only on the day of collection. The facilities shall include accommodation for the separation of waste to enable recycling by residents. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

REASON:

In the interests of the visual appearance of the building and the area in general.

104. **LAND TO THE REAR OF 6-7 CRANBURY TERRACE / 11/01945/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Erection of part 3-storey, part 4-storey terrace of 4x 4-bed houses (Class C3 and C4) with vehicular access from Rockstone Lane, car parking, associated refuse and cycle stores, alterations to site levels, landscaping and reconstruction of front boundary wall. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Patrick (Agent) and Mrs Davies (objecting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE

FOR: Councillors Cunio, Fuller, Jones, Thomas

AGAINST: Councillors Mrs Blatchford, Claisse, L Harris

Additional condition

22 APPROVAL CONDITION – Occupancy Restriction [Performance condition]

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 4 residents shall at anytime occupy any of the units hereby permitted 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).

REASON:

In order that the Local Planning Authority may exercise further control in this locality given the scale of the property and surrounding context; and character.

### **COUNCILLOR CLAISSE IN THE CHAIR**

105. **13 GROSVENOR ROAD / 11/02001/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Conversion of existing dwelling to 2 x 5 person dwellings in multiple occupation (Class C4) with associated bin and cycle storage. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Holmes (Agent), Mr Singh (Applicant), Mrs Baston on behalf of Mrs Foster, Mr Gillan (objecting) (Local Residents) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an adjustment to Reason for Granting Planning Permission so that it should read:

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 the 13.03.12 do not have sufficient weight to justify a refusal of the application. The proposal would make reasonable use of a very large property to help meet the housing needs of the city and would not have a harmful impact on the amenities of the neighbouring properties. Whereas Core Strategy Policy CS16 resists the loss of family housing, evidence from the housing waiting list suggests there is no demand for a property of this size from a single family. Also, it is possible that the applicant may revert back to Class C3 use for either unit, where the rearmost dwelling enjoys direct access to private amenity space. The Council's emerging Supplementary Planning Document on Houses in Multiple Occupation is not due to come into force until 23 March 2012. Whilst it has formed a material planning consideration in the determination of this application, the sheer size of the property and the **improbability** of it contributing to the city's housing need by being used by a single family has resulted in the local planning authority concluding its use as two Class C4 dwellings, each only occupied by five persons, is a reasonable use of the building, whose intensity of use would not harm the amenities of occupiers of adjoining properties. As such, the departure from CS16 is not considered to be so adverse to the planning of the area to justify the withholding of planning permission. 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 and H4 of the City of Southampton Local Plan Review (March 2006) as supported by the adopted Local Development Framework Core Strategy (January 2010) policies CS5, CS13, CS19, and CS20 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing 2011) are also relevant to the determination of this planning application. The presenting officer reported an adjustment to Reason for Granting Planning Permission so that it should read:

#### Amended Condition

##### 05. Approval condition - Car Parking [Performance condition]

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, a minimum of 3 car parking spaces shall be marked out on the site forecourt in accordance with drawing C11/111.405 Rev C. The utilities trench recently dug into the site forecourt shall also be maintained to match the original materials of the forecourt. The car parking shall thereafter be retained on site for those purposes at all times thereafter.

#### REASON:

To help meet the travel demands of occupiers of the two dwellings, whilst also defining/maintaining clear pedestrian/cyclist access to the property.

#### Additional Condition

##### 12. PERFORMANCE CONDITION – Provision of rear door

Before the rear C4 dwelling is first occupied, the new rear doorway shall be provided to the garden area.

**REASON:**

To provide more convenient access to the rear garden from that dwelling, so as to reduce the use of the side access way, in the interests of preserving the amenities of adjoining neighbours.

**RESOLVED** that planning permission be refused for the following reasons.

**RECORDED VOTE**

**FOR:** Councillors Claisse, Cunio, Fuller, L Harris and Thomas

**ABSTAINED:** Councillor Mrs Blatchford

**Reason for Refusal - Harm to the character of the area**

1. The local planning authority considers that the intensification of residential occupation of the property from either family occupation within class C3, or from a C4 occupation by up to 6 unrelated persons, to occupation as 2 No. Class C4 Houses in Multiple Occupation, by 5 persons in each dwelling, would be an overdevelopment of the site and cause serious environmental harm. This would be contrary to policies of the Development Plan for Southampton (SDP7 (v), H4 and SDP16 of the Local Plan Review (March 2006) and CS16 (3) Core Strategy (January 2010). If granted permission, the proposals would prove contrary to the emerging Supplementary Planning Document on Houses in Multiple Occupation, approved by cabinet on 12 March 2012. The proposed use is also considered contrary to relevant advice set out in Planning Policy Statement 3 (Housing) – particularly paragraphs 9,13 and 49. It is also though contrary to paragraphs 19 (final bullet point) and 116 (first and fourth bullet points) of the consultation draft of the Draft National Planning Policy Framework. The harm from this over intensive use of the property would manifest itself in the following ways:-

- (i) Disturbance to neighbouring occupiers from comings and goings to and from the site by 10 separate persons at various times of the day and night and their use of the garden at the property would not be compatible with the surrounding family housing; and,
- (ii) Adversely affect the character and nature of occupation of this immediate part of the street, by causing the loss of a single family house, in a street predominantly comprised of family houses and making it more difficult for the local planning authority to resist similar proposals in this street in the future.

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

**COUNCILLOR JONES IN THE CHAIR**

106. **LAND ADJACENT TO 97 BOTANY BAY ROAD / 12/00128/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Erection of a two storey, detached, two bedroom dwelling house plus basement level with associated car parking/cycle store. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Oliphant, Mr Broady (objecting) (Local residents) and Councillor Kolker (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to Condition 13 and an extra condition as follows:

#### Amended Condition

#### 13. APPROVAL CONDITION – Parking provision (Performance Condition)

The car parking spaces as shown on approved drawing 07/435/H/10.D (to be updated at Panel meeting) must be laid out and made available prior to the first occupation of the dwelling hereby approved and thereafter retained for that purpose at all times with one car parking space available per property.

#### REASON

To ensure an appropriate level of off road parking is available for 97 and 97a Botany Bay Road in accordance with saved policy SDP5 of the local plan review and the adopted Parking Standards SPD.

#### Additional Condition

#### 21 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.

**RESOLVED** that planning permission be refused for the following reasons.

#### RECORDED VOTE

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

ABSTAINED: Councillor Thomas

#### Reasons for refusal

Notwithstanding the amendments to application 11/01966/FUL the proposed development by reason of its design and close proximity to the adjacent Shorbus Greenway represents an overdevelopment of the site which would;

- i) appear out of context, character and proportion with existing development in Botany Bay Road which would create a visually dominant hard edge at the

- end of the developed section of Botany Bay Road when viewed from the south resulting in an adverse impact on its rural character
- ii) result in unacceptable shadowing and loss of light to 97 Botany Bay Road
  - iii) creates an inappropriate and unusable parking arrangement to the sites frontage which would have an adverse impact on pedestrian and highway safety

Taken together, these factors are considered to be symptomatic of an unduly dominant development, which is out of character with the existing scale and pattern of development along Botany Bay Road. As such, the development would prove contrary to the provisions of policy CS13 (1) 92) (11) of the adopted Local Development Framework Core Strategy (January 2010) as supported by saved policies SDP1, SDP7, SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance set out in the Council's approved Residential Design Guide SDP (September 2006) (namely, sections 2.1, 2.2, 3.1, 3.2, 3.7, and 3.9) and the approved Parking Standards SPD (September 2011).

107. **14 SPRING CRESCENT / 11/01874/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Demolition of existing garage and conservatory to facilitate erection of two-storey side extensions and part two-storey, part-single storey rear extension in connection with use as 2x 5-bedroom houses (Class C3) or Homes in Multiple Occupation (Class C4).  
(Copy of the report circulated with the agenda and appended to the signed minutes).

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

**RESOLVED** unanimously that planning permission be refused for the following reasons.

**Reasons for Refusal**

(i) Over intensive use

The introduction of 2 x 5 bed C4 dwellings at 14 Spring Crescent would result in an unacceptable intensification in the use of the property. . The LPA has had regard to the amount of existing C4 dwellings within Spring Crescent and the general activity, refuse generation, noise and disturbance associated with such a use in arriving at its decision. This would have a detrimental impact on the amenity of nearby residents and be harmful to the wider context and character of the neighbourhood. As such, the proposal represents an over-intensive use of the site contrary to the provisions of policy CS16 of the adopted Local Development Framework Core Strategy (January 2010), as supported by saved policies SDP1, SDP7 (v) and H4 (i) & (ii) of the City of Southampton Local Plan Review 2006 and the emerging Houses in Multiple Occupation SPD.

(ii) Adverse design impact on locally listed building.

The proposed extensions to the dwelling by reason of their design, scale and massing represent a disproportionately large addition that would unbalance the appearance of the existing dwelling and harm its aesthetic. Such alterations would adversely impact on the local listing status and hinder future opportunity for the building to be formally listed contrary to the provisions of Policies CS13 (1, 3 & 11) & CLT14 of the adopted Local Development Framework Core Strategy (January 2010) as supported by saved policies SDP1 (i), SDP7 (ii) & (iv), SDP9 (i) & (iv) and HE4 (i) & (ii), H7 (iv) of the 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 2.3 and 2.5 ) and Planning Policy Statement 5: Planning for the Historic Environment.

108. **CENTENARY QUAY, VICTORIA ROAD / 11/01923/REM**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above addressed.

Reserved matters approval sought for Phase 2 of the Centenary Quay development granted outline permission in December 2009 (reference 08/00389/OUT - Environmental Impact Assessment Development) to provide 168 residential units (49 x one-bedroom, 103 x two-bedroom, and 16 x three-bedroom units), a library and day nursery in buildings ranging in height from three-storeys to six-storeys with associated parking and other works. (Copy of the report circulated with the agenda and appended to the signed minutes).

Ms Aplin (Applicant), Mr Hall (Agent), Mr Ratcliff (objector) (Local Resident) and Councillor R Williams (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

109. **THORNERS COURT, HENSTEAD ROAD / 11/01216/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site. Demolition of part of Thorners Court and erection of a three-storey building to provide 34 sheltered housing flats for the elderly (24 x one-bedroom and 10 x two-bedroom) with communal facilities, access, car parking and landscaping. (Copy of the report circulated with the agenda and appended to the signed minutes).

Ms Lodwick (Owner), Mr McFarlone (Planning Consultant) and Mrs Barter (objecting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** unanimously to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and the additional condition set out below.



23. APPROVAL CONDITION - Relocation of historic plaques (Pre-Occupation Condition)

The development shall not be first occupied until the existing historic plaques have been relocated on the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON:

To ensure the retention of these important historic features.