
SOUTHAMPTON CITY COUNCIL
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 15 JANUARY 2013

Present: Councillors Mrs Blatchford (Chair), Claisse, Cunio (Except minute no 104), L Harris, Lloyd, Shields (Except minute no 107 and 108) and Smith

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

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

RESOLVED that the Minutes of the Meeting held on 20 November 2012 be approved and signed as a correct record.

100. **LAND BETWEEN BROWNHILL WAY AND LOWER BROWNHILL ROAD**
12/00106/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Demolition of six residential properties and erection of a Regional Distribution Centre (42,820 square metres gross floor space - Class B8), 186 associated car parking spaces, HGV hardstanding, two sprinkler tanks and pump room and new peripheral landscaping. Proposal includes the stopping up of Lower Redbridge Lane and diversion of a public right of way.

Mr McGinnis (Applicant), Dr Collins, Mr Keir, Ms Lane (objecting) (Local Residents), Ms Gartside (objecting) (Southampton Cycling Campaign), Ms Smith (supporting) (Ramblers) and Councillor Pope (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported two additional letters had been received since the report had been published, from the applicant and Ward Councillor Pope, (also on behalf of Ward Councillors Whitbread and McEwing).

The presenting officer reported an amendment to the S106 and to recommendation 4 and an additional recommendation 5. Amended and additional conditions were also reported.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a S.106 Legal Agreement to secure the terms set out in the report;
- ii) in the event that the legal agreement is not completed within two months of the date of the Panel meeting 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;

- iii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary;
- iv) that the Panel authorise the diversion of the public right of way footpath as necessary to implement the planning permission;
- v) that officers investigate with Hampshire County Council the possibility of the section of Brownhill Way, between Junction 1 of the M271 and the Adanac Roundabout, having a speed limit of 30 miles per hour.

Additional conditions

37 APPROVAL CONDITION – Total Site Noise [Performance Condition]

The BS4142: 1997 'rating level' of noise emitted from the site shall not exceed 44 dB(A) at any time of operation between 2300 - 0600 hrs, as determined at Porlock Road (see receptor location 6 as shown in the September 2012 Mott MacDonald Noise Addendum report) and 46 dB(A) at any time of operation between 06:00 – 23:00 in front of 292 Mansel Road West. The measurements and assessment shall be made according to BS4142: 1997. If requested by the Local Planning Authority within 5 years of commencement of use, the operator shall (at the operator's own expense) appoint a competent acoustician to undertake a noise verification exercise under typically worst case conditions to monitor site noise and determine whether the above limit is being complied with. A written report of the acoustician's findings shall be provided to the Local Planning Authority within 3 months, or an alternative timescale to be agreed.

Reason

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

38 APPROVAL CONDITION - Roof construction (Pre-Commencement Condition)

No development shall commence until details of the means of construction of the roof of the building have been submitted to and approved in writing by the Local Planning Authority. The details shall include the future capability of the building to include solar pv panels on the roof. The construction of the building shall be carried out in accordance with these approved details.

Reason

To ensure the building maximises its potential for combating climate change in accordance with Policy CS20 of the Council's Adopted Core Strategy (January 2010).

Amended conditions

12 APPROVAL CONDITION – No Pile Driving for Foundations (Performance Condition)

No percussion or impact driven piling activities shall take place between 1 October and 31 March (inclusive) in any year.

Reason

To protect the ecological importance of nearby nature conservation areas for over-

wintering wildfowl as required by Natural England and in accordance with the City of Southampton Core Strategy Policy CS22.

20. APPROVAL CONDITION - Acoustic barriers (Pre-Occupation Condition)

The position and height of acoustic barriers (comprising bunds and fencing) along the site boundary shall be **constructed** in accordance with the approved plans **before the building is first used**. Details of the construction of the acoustic screening (including fencing design, materials and surface density) shall be verified for effectiveness by a competent acoustician and approved by the Local Planning Authority both prior to their construction and prior to commencement of use, and thereafter those barriers shall be **retained** in a good state of repair **and in the approved position** so as to remain fully effective.

Reason

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

24. APPROVAL CONDITION - Layout of Car Parking/Servicing (Pre-Occupation Condition)

The whole of the car parking, cycle storage and servicing facilities for the use hereby approved shown on the approved plans shall be laid out and made available before the **warehouse building hereby approved is first used** and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose.

REASON

To ensure adequate on-site parking and servicing facilities and to avoid congestion in the adjoining highway.

29. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for commercial purposes.

Reason:

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

34. APPROVAL CONDITION - Ecology mitigation (Performance Condition)

The measures set out in **Section 3 (Mitigation Strategy) of the ECOSA, October 2012** Addendum to the Phase 1 and 2 Ecological Survey shall be implemented in full. Thereafter, the mitigation measures shall be permanently retained.

Reason

In the interests of biodiversity and in accordance with Policy CS22 of the Council's Core Strategy (January 2010).

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Claisse, Cunio, Harris, Lloyd and Smith
ABSTAINED: Councillor Shields

101. **7 GREENBANK CRESCENT 12/01577/OUT**

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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Erection of 3 x 4-bed detached houses with associated parking and cycle/refuse storage (outline application seeking approval for access, layout and scale).
Resubmission of planning reference 12/01038/OUT.

Ms Mizon (objecting) (Local Resident) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that four additional letters of objection had been received. A new issue has been raised regarding the need to retain executive homes for the City.

RESOLVED to **refuse** planning permission for the reasons set out below:

Reason for Refusal

1. REFUSAL REASON - Character

The proposed redevelopment of 7 Greenbank Crescent with three 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. The proposals, by reasons of their siting, spatial characteristics and building-to-plot relationships (between themselves and their neighbours) and their subsequent residential density would exhibit a characteristic that significantly 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 the National Planning Policy Framework (2011)), 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 policies CS4 and CS13 (1) (11) 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, 2.3.14, 3.1, 3.2, 3.7.7, 3.7.8, 3.8, 3.9, 3.10.2 and 3.11.3).

RECORDED VOTE

FOR: Councillors Cunio, Claisse, Harris, Lloyd and Smith
AGAINST: Councillor Mrs Blatchford and Shields

102. **7 GREENBANK CRESCENT 12/01726/OUT**

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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Redevelopment of the site to provide 2 x 5 bedroom houses with associated parking, cycle and refuse storage. Outline application with access, layout and scale for consideration.

Mr Wiles (Agent) and Mr Cataldo (objecting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported 23 additional letters of objection, including an objection from Ridgemount Area Residents Association had been received. The new issues raised included insufficient notice of the meeting given, introduction of windows resulting in loss of privacy, the building line and inappropriate density.

Additional Consultation Responses - SCC Tree Team no objection

The presenting officer also reported an amendment to Condition 6 set out below:

06 APPROVAL CONDITION – Cycle and Refuse Storage (pre-occupation condition)

The cycle and refuse storage of dwellings shall be provided in accordance with the plans hereby approved before the respective dwellings first come into occupation. All stores shall thereafter be retained as approved.

RESOLVED to **refuse** planning permission for the reasons set out below:

Reason for Refusal

1. REFUSAL REASON - Character

The proposed redevelopment of 7 Greenbank Crescent with two 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. The proposals, by reasons of their siting, spatial characteristics and building-to-plot relationships (between themselves and their neighbours) and their subsequent residential density would exhibit a characteristic that significantly 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 the National Planning Policy Framework (2011)), 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 policies CS4 and CS13 (1) (11) 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 3.1, 3.2, 3.7.7, 3.7.8, 3.8, 3.9, 3.10.2 and 3.11.3).

RECORDED VOTE

FOR: Councillors Claisse, Cunio, Harris and Smith
AGAINST: Councillor Mrs Blatchford
ABSTAINED: Councillor Lloyd and Shields

103. **HELI BEDS, 47-65 BEVOIS VALLEY ROAD SO14 0JS 12/01236/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Redevelopment Of The Site By The Erection Of A Retail Convenience Store (379 Sqm Gross) Following Demolition Of Existing Building With Associated Car Parking Area.(Departure).

Mr Trenchard (Applicant), Mr Waterman and Mr Thipthorpe (objecting) (Local Residents) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional Head of Term to the S106, the deletion of condition 11 and a replacement condition11.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a S.106 Legal Agreement to secure the terms set out in the report and the additional Head of Term and condition, set out below;
- ii) in the event that the legal agreement is not completed by 29 March 2013 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; and
- iii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

Additional S106 Head of Term

- vi. that best endeavours be used to secure a Traffic Regulation Order to restrict the use of the new service lay-by for servicing only between the following hours:

Monday to Fridays and Public Holidays: 0600 to 0800, 1000 to 1500 & 1900 to 2100

Saturdays: 0600 to 0900 and 1900 to 2100

Sundays: 0800 to 1000 and 1900 to 2100

Delete Condition 11 (BREEAM)

Additional Condition

11. APPROVAL CONDITION: On site CCTV [Pre-Occupation Condition]

Prior to the retail store hereby approved first opening a CCTV system shall be installed and operated in full working order within the site covering the car park area and site frontages. The coverage of the cameras shall be designed so as to avoid observation of the habitable room windows and private amenity spaces of nearby residential properties.

REASON

In the interests of the safety and security of the site.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Cunio, Harris, Lloyd, Shields and Smith

AGAINST: Councillor Claisse

104. **REAR OF ELSIE COTTAGE, HOLT COURT, WESTON LANE SO19 9RA**
12/01531/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Erection of a two storey 2-bedroom dwelling, attached to side of existing property with associated car parking.

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

The presenting officer reported an amendment to Condition 16 and an additional condition.

RESOLVED to **grant** planning permission subject to the conditions listed in the report and the amended and additional condition set out below.

Amended condition

16. 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. **In particular the access path and storage to the west of the dwelling as shown on the amended plan referenced DP/002/A shall be provided ahead of first occupation of the development and retained thereafter.**

Additional condition

17. APPROVAL CONDITION – Flood Risk Assessment

The development hereby approved shall, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development, be implemented

and occupied in accordance with the Three Counties Flood Risk Assessment dated 11 October 2011 (as supported by the Desk Top Study, Flood Evacuation Procedures and Property Flood Resilience Measures reports) that were submitted and agree as part of the appeal ref: 10/01746/FUL.

Reason:

As part of the site lies within an area prone to flooding and in the interests of safe egress for residents in the event of a flood in accordance with adopted LDF Core Strategy Policy CS23.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Claisse, Lloyd and Shields

AGAINST: Councillor L Harris

ABSTAINED: Councillor Smith

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

105. **SOUTHAMPTON LOGISTICS, UNIT F WEST QUAY ROAD SO15 1GZ 12/01459/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Change Of Use From Warehouse Building Into A Dance Rehearsal Studio With Offices And Training Centre.

Mr Pullen (Agent) and Mr Wright (Applicant) were present and with the consent of the Chair, addressed the meeting.

RESOLVED to **grant** planning permission subject to the conditions listed in the report.

106. **G T HOUSE, ASHLEY CRESCENT SO19 9NA 12/01516/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Change of use from industrial to a leisure use - children's indoor play area (Class D2).

Mr Buckle and Mr Johnson (Applicants) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the following amendments to the report:

- Reasons for decision: should refer to temporary consent rather than full consent and that it would be approved for a period of six years
- The word "parking" should be deleted from paragraph 6.1.
- Paragraph 6.6: delete "and that school children use this part of Ashley Crescent to access the newly built Mayfield Academy."

RESOLVED to **grant** planning permission for a limited period expiring on 31 January 2019, subject to the conditions listed in the report.

Reason for Granting Permission

Notwithstanding that the application constitutes a departure from the Development Plan 'saved' Policy RE1 10 (i) of the City of Southampton Local Plan March 2006 which allocates the site for B1 (c), B2 and B8 uses, the proposal is compliant with the wider objectives of the Development Plan, set out below. Currently, it is accepted that there is low demand for B1(c), B2 and B8 use at this location at the present time and is considered appropriate to this location, as it will increase the potential for occupancy of the site; as such temporary consent can be granted for 6 years. In addition, other material considerations including amenity, parking, economic benefits, the previous vacancy of the unit and the importance of encouraging employment within the city, outweigh compliance with this policy 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 be granted.

City of Southampton Core Strategy (January 2010) – CS3, CS6, CS7 and CS19.
City of Southampton Local Plan Review (March 2006) - SDP1, SDP3, SDP4, SDP5, SDP10, SDP16 and RE110.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Claisse, Cunio, L Harris, Shields and Smith

ABSTAINED: Councillor Lloyd

107. **PART OF FORMER NEW COLLEGE SITE, THE AVENUE SO17 1XJ 12/01522/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Redevelopment of the site, erection of 12 three-storey 4 bedroom houses and a five-storey block of 35 flats (20 studios, 9 x one-bedroom and 6 x two-bedroom) with associated access, parking and landscaping.

Mr Reay (Agent) and Monsignor Harvey (objecting) (St Edmunds Church) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to Condition 7.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a S.106 Legal Agreement to secure the terms set out in the report and the amended / additional condition set out below;
- ii) in the event that the legal agreement is not completed by 18.01.2013 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;
and

- iii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

Additional condition

31. APPROVAL CONDITION – Security gates (Pre-Occupation Condition)

The houses hereby approved shall not be occupied until security gates have been installed across the side garden access points in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved gates shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of safety and security and to protect the amenities of future occupiers of the houses.

Amended condition

7. APPROVAL CONDITION – Arboricultural Method Statement (Performance Condition)

The construction works shall be carried out in accordance with the Arboricultural Impact Appraisal and Method Statement by Barrell Tree Consultancy dated December 2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Claisse, L Harris, Lloyd and Smith

ABSTAINED: Councillor Cunio

108. **REMOVAL OF 7 TREES IN VOKES MEMORIAL GARDENS PLATFORM ROAD TO ALLOW HIGHWAY IMPROVEMENTS**

The Panel considered the report of the Senior Manager – City Services, recommending approval for the removal of trees at the above site address. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED

- (i) that the removal of seven trees to enable the highway improvement works be approved; and
- (ii) that the planting of 14 new London Plane trees be approved. The replacement tree size, specific planting location and layout to be agreed with a Senior Tree Officer.