

# Planning and Rights of Way Panel

Tuesday, 19th January 2010  
at 9.30 am

## **PLEASE NOTE TIME OF MEETING**

Conference Room 3 - Civic Centre

This meeting is open to the public

### **Members**

Councillor Fitzhenry (Chair)  
Councillor Jones (Vice-Chair)  
Councillor Mrs Blatchford  
Councillor Cunio  
Councillor Davis  
Councillor Norris  
Councillor Osmond

### **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 2009/10**

| <b>2009</b>         | <b>2010</b>            |
|---------------------|------------------------|
| <b>26 May 2009</b>  | <b>19 January 2010</b> |
| <b>23 June</b>      | <b>16 February</b>     |
| <b>21 July</b>      | <b>16 March</b>        |
| <b>18 August</b>    | <b>13 April</b>        |
| <b>1 September</b>  |                        |
| <b>29 September</b> |                        |
| <b>27 October</b>   |                        |
| <b>24 November</b>  |                        |
| <b>22 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 now available via Southampton Online at [www.southampton.gov.uk/council/meeting-papers](http://www.southampton.gov.uk/council/meeting-papers)

### 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) (Pages 1 - 8)

To approve and sign as a correct record the Minutes of the meeting held on 22<sup>nd</sup> December 2009 and to deal with any matters arising, attached.

## CONSIDERATION OF PLANNING APPLICATIONS

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

### 5 1A - 1H JANSON ROAD 09/01133/FUL (Pages 9 - 32)

Report of the Development Control Manager recommending that the planning application be refused and that the Service of 8 Enforcement Notices be endorsed by the Panel, attached.

### **ITEMS TO BE HEARD BETWEEN 10 30 AM TO 11 30AM**

**6 LAND REAR OF 82 AND 86 - 88 SHIRLEY AVENUE 09/01213/FUL (Pages 33 - 68)**

Report of the Development Control Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

**7 LAND TO THE REAR OF 68 - 70 SHIRLEY AVENUE 09/01154/FUL (Pages 69 - 102)**

Report of the Development Control Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address, attached.

### **ITEMS TO BE HEARD BETWEEN 11 30 AM TO 12 30 AM**

**8 210 BASSETT GREEN ROAD 09/01236/FUL (Pages 103 - 116)**

Report of the Development Control Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

**9 12-13 HOLLAND ROAD, WOOLSTON 09/01169/FUL (Pages 117 - 130)**

Report of the Development Control Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address, attached.

### **ITEMS TO BE HEARD BETWEEN 12 30 PM TO 1 00 PM**

**10 238 WESTON LANE 09/ 01134 /FUL (Pages 131 - 152)**

Report of the Development Control Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

**ITEMS TO BE HEARD BETWEEN 2.00 PM TO 3.00 PM**

**11 74 ST. ANNES ROAD 09/01185/FUL (Pages 153 - 186)**

Report of the Development Control Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

**MAIN AGENDA ITEMS**

**12 WEST QUAY ROAD SITE - REQUEST TO REMOVE TREES (Pages 187 - 194)**

Report of the Head of Planning and Sustainability seeking conditional approval for the removal of 2 Silver Birch trees at West Quay Road, attached.

**13 PUBLIC RIGHTS OF WAY: UPDATE REPORT (Pages 195 - 202)**

Report of the Head of Planning and Sustainability providing an update on the main activities and some of the current key issues affecting the City Council's statutory Rights of Way function, attached.

Monday, 11 January 2010

SOLICITOR TO THE COUNCIL