
SOUTHAMPTON CITY COUNCIL
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 25 JUNE 2013

Present: Councillors Mrs Blatchford (Chair), Claisse, Cunio (Vice-Chair), L Harris, Lewzey, Lloyd and Norris

16. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**
RESOLVED that the Minutes of the Meeting held on 28 May 2013 be approved and signed as a correct record.

17. **BOATING LAKE, SOUTHAMPTON SPORTS CENTRE, THORNHILL ROAD**
13/00556/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).

Engineering works comprising the infilling of the former boating lake with associated works and means of enclosure

Ms Hastings (objecting)(Friends of Southampton Sports Centre), Mr Linecar (objecting) (Southampton Commons and Parks Protection Society) and Councillor B Harris (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional 42 representations had been received, 38 objecting to the application and 4 in support, these included a petition in opposition from the Old Bassett Residents Association with 51 signatures. He explained that the application was retrospective. The issues raised included the possibility of an Environmental Permit being required, the removal of spoil already dumped, future use of the land as a meadow/recreation area and the use of the lake as a breeding site for amphibians and other wildlife.

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

Reasons for Refusal

1. REFUSAL REASON - Amenity and Design

The proposed infilling of the former boating lake with spoil from a neighbouring development to create a wild meadow is considered to remove the potential for active sporting recreation from the sports centre to the detriment of the amenity of its users, whilst also failing to improve the sporting, leisure, spectator and visitor facilities provided. Furthermore, in the absence of a firm commitment to provide a robust ongoing maintenance programme it has not been proven to the satisfaction of the Local Planning Authority that the proposed meadow will establish as proposed. As such, the development has been considered as contrary to 'saved' policies SDP1(i) and CLT8 of the adopted City of Southampton Local Plan Review (2006).

2. REFUSAL REASON - Ecology

It is considered likely that the former boating lake provided habitat for various amphibians, including the common toad, *Bufo bufo*, smooth newt, *Lissotriton vulgaris*, and palmate newt, *Lissotriton helveticus*. Although common toad only has limited statutory protection it is included on the list of habitats and species which are of principal importance for the conservation of biodiversity in England. This list, which is required by section 41 of the Natural Environment and Rural Communities (NERC) Act (2006), contains habitats and species that public bodies must have regard to the conservation of when carrying out their normal functions. Such functions include the consideration of planning applications. The proposed in-filled boating lake no longer provides any suitable breeding habitat for amphibians, such as the common toad and an acceptable design solution has not been submitted for consideration ahead of the determination of this planning application. Furthermore, any works also need to consider the proximity of existing Sites of Importance for Nature Conservation (SINC) and the areas under nature conservation and the Higher Level Stewardship management. The proposed planting to create the meadow doesn't reflect what is present locally. As such the application is not considered to properly address the site's importance to nature conservation and local biodiversity and is, therefore, contrary to 'saved' Policy SDP12 of the adopted City of Southampton Local Plan Review (2006) and Policy CS22 of the adopted LDF Core Strategy (2010) as supported by the City's Biodiversity Action Plan.

RECORDED VOTE

FOR: Councillors Claisse, Cunio, L Harris, Lewzey, Lloyd and Norris
ABSTAINED: Councillor Mrs Blatchford

18. TRINITY INDUSTRIAL ESTATE, MILLBROOK ROAD WEST SO15 0LA 13/00536/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).

Continued use of industrial park not in accordance with condition 8 of planning permission ref 1580/W12. Variation to alter the hours of servicing to allow servicing vehicles between 7:00am and 7:00pm (7 days a week) with restrictions on Sundays for lorries and HGV's.

Mr Hartley-Raven (Agent), Mr Galton, Mr Gardner (objecting) (Local Residents) and Councillor Thorpe (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that three additional letters of objection had been received, the issues raised being noise and impact on residents. It was also reported that the title of Condition 6 be changed to "Restricted use of external areas" and that Condition 7 be corrected to read "The premises shall be used for light industrial purposes".

RESOLVED to refuse planning permission for the reason set out below:

Reason for Refusal

REFUSAL REASON - Impact on neighbouring amenity

The proposed additional servicing hours would have a harmful affect on the amenity currently enjoyed by the local residents in the surrounding residential area (in particular those occupying properties in Munro Crescent) due to the increased potential for disturbance and noise generated by servicing vehicles and activity particularly in the early morning and at the weekend. Accordingly, it is considered that the proposed development is contrary to policies SDP1(i) and SDP16(i) of the adopted City of Southampton Local Plan Review (March 2006).

19. **41 DEVONSHIRE ROAD SO15 2GL 13/00590/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 part 2-storey, part single storey rear extension to facilitate conversion of existing house into 3 flats (1x 3-bed, 1x 2-bed and 1x studio) with roof accommodation, associated parking and cycle/refuse storage.

Mr Basra (Applicant) and Mrs Barter (objecting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

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

Reason for Refusal

REFUSAL REASON – Loss of Family Dwelling

The Local Planning Authority is not satisfied that the proposed development provides an attractive and acceptable living environment for prospective residents, in particular the design of the proposal represents an over intensive use of the site as exhibited by the cramped communal accommodation and therefore poor level of amenity provided for the ground floor 'family' unit where occupants of a three bedroom flat are expected to share a single communal space of only 14sq.m. As such the development does not adequately re-provide a family dwelling following the conversion of this existing dwelling house and would, therefore, result in the loss of a family dwelling contrary to policy SDP1(i) of the adopted City of Southampton Local Plan Review (2006) and Policy CS16 of the adopted LDF Core Strategy (2010).

RECORDED VOTE

FOR: Councillors Claisse, Cunio, L Harris, Lewzey, Lloyd and Norris

AGAINST: Councillor Mrs Blatchford

20. **37 CHURCH LANE SO17 1SY 13/00610/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 part 2-storey, part single storey rear extension to existing C4 HMO (House in Multiple Occupation).

Dr Jenkinson (Applicant), Ms Turner (objecting) (Local Resident) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that an additional letter of objection had been received, regarding the location of the garden shed at 39 Church Lane and he further reported an additional condition.

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

Additional condition

9. APPROVAL CONDITION - Sound insulation

Prior to the commencement of development details shall be submitted to and agreed in writing by the Local Planning Authority setting out sound proofing of the party wall with 39 Church Lane. The details agreed shall then be implemented in accordance with the approved details prior to the first occupation of the development and thereafter maintained.

Reason:

In the interests of protecting residential amenity.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Lewzey and Lloyd

AGAINST: Councillors Claisse, L Harris and Norris

ABSTAINED: Councillor Cunio

NOTE: This item was carried with the use of the Chair's second and casting vote.

21. **75 BASSETT GREEN CLOSE SO16 3QX 13/00299/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).

Retrospective permission for the erection of two storey rear extension including a juliet balcony and single floor side extension, alterations to front elevation, to enable garage to be used as habitable room (description amended following validation).

Mr Andrews (Agent) was present and with the consent of the Chair, addressed the meeting.

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

Additional condition

03. APPROVAL CONDITION - Landscaping

Unless otherwise agreed in writing by the Local Planning Authority, within 2 months of this decision notice a detailed landscaping scheme for the planting of trees (to compensate for those lost during the the construction of the extension) shall be submitted to the Local Planning Authority for approval. This shall include the following:

- i. planting plans; written specifications (including cultivation and other operations associated with plant establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- ii. a landscape management scheme.

Any trees which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved landscaping scheme shall be carried out during the next planting season (November 2013 to March 2014). The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason

To ensure that the development makes a positive contribution to the local environment due to the removal of a number of protected trees which were significant to the visual amenity of the local area.

22. **20 OBELISK ROAD SO19 9BN 13/00581/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).

Retrospective change of use from sandwich shop (Class A1) to cafe (Class A3).

Mr Gaylor (Applicant) and Mr Warburton (objecting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that two conditions be amended.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the conditions listed in the report and the amended conditions set out below; and
- ii) that the Planning and Development Manager be given delegated powers to remove, vary or add conditions as necessary.

Amended conditions

01. APPROVAL CONDITION - Hours of Use [Performance Condition]

The A3 cafe use hereby permitted shall not be open to customers outside of the following hours:

Monday to Friday 07.30 hours to 16.00 hours(7.30am to 4.00pm)

Saturday 09.00 hours to 15.00 hours(9.00am to 3.00pm)

The use of the building by staff undertaking ancillary catering activities is also permitted within the following hours:

Monday-Saturday 7am to 7pm

Sunday & recognised public holidays 10am to 4pm

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

Reason:

To protect the amenities of the occupiers of existing nearby residential properties, and allow ancillary activities to the business to be undertaken during non trading hours.

03. APPROVAL CONDITION - Cooking of foods [Pre-Commencement Condition]

Unless otherwise through the determination of a further planning application with details of external extraction equipment, the cafe hereby approved shall only cook the foods shown on the attached menu to the Decision Notice, and no deep fat frying will take place. The cooking filter system must be in operation when cooking is taking place. Unless otherwise agreed in writing the existing cooking filter system shall be retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

The existing cooking filter system is adequate to mitigate odours from cooking the foods on the existing menu and therefore preventing harm to the amenity of the neighbouring occupiers. A more comprehensive menu may require formal extraction equipment than that currently shown.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Claisse, L Harris, Lewzey, Lloyd and Norris

AGAINST: Councillor Cunio

23. 51 HIGHFIELD CRESCENT SO17 1SG 13/00611/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 single storey side/rear extension to existing c4 house of multiple occupation.

Dr Jenkinson (Applicant), Mr Gillen (objecting) (Highfield Residents Association), Mr Drake (objecting) (Local Resident) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the words "Church Lane within" from paragraph 1.1 of the report should be deleted.

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

Reason for refusal

1. REFUSAL REASON – Impact on Neighbour

The proposed single storey rear extension by reason of its rearward depth of projection and height (to both eaves and roof) in close proximity to the common boundary of 53 Highfield Crescent will result in a harmful impact on this neighbour's existing residential amenity in terms of loss of light and outlook to the rear habitable kitchen window and garden; as evidenced by it breaching the 45 degree code. Furthermore, there would also be harm from additional noise associated with the expansion of the HMO's communal rooms in close proximity to the neighbour's garden with more room for visitors to congregate and, therefore, the proposal would be to the detriment of the residential amenity of the neighbouring occupiers. As such the proposal will be contrary to saved policies SDP1(i), SDP7(v), SDP9(v) of the City of Southampton Local Plan Review (Adopted March 2006) as supported by paragraphs 2.2.11 to 2.2.13 and 2.2.1 to 2.2.2 of the Council's Residential Design Guide Supplementary Planning Document (Approved September 2006).

RECORDED VOTE

FOR: Councillors Claisse, Cunio, L Harris and Norris

AGAINST: Councillors Mrs Blatchford and Lewzey

ABSTAINED: Councillor Lloyd

24. **LAND AT WESTON LANE/KINGSCLERE AVENUE INCLUDING SOMBORNE HOUSE, ASHTON HOUSE AND KINGSCLERE CLOSE 13/00476/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 erection of 2, 3 and 5-storey buildings to provide retail units (Use Classes A1 - A5 - 620 square metres), a community and library facility, 70 dwellings (40 houses and 30 flats) with associated parking and other works including stopping up and diversion of existing rights of way, new public footpaths, footway, verge and highway

Mr Goodman (Architect) and Ms Friedman-Brown (supporting) (Estates Regeneration, SCC) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to the Recommendation and amendments to two Conditions. He also reported that two additional representations had been received.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of an agreement through the land sale under section 111 of the Local Government Act 1972, Section 2 of the Local Government Act 2000 and section 1 of the Localism Act 2011 a planning agreement under S.106 of the Town and Country Planning Act 1990 (as

- amended) would be secured and subject to the conditions listed in the report and the amended conditions set out below; and
- ii) 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.

Amended conditions

09. APPROVAL CONDITION - Details of building materials to be used [Pre-commencement condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for balcony supports, edging, undersides and balustrading, external walls, windows and doors of the buildings. For the avoidance of doubt only the larger shop unit at the corner of Weston Lane and Wallace Road and that

for the library are approved under this planning application and **that the shopfronts to the other retail units** shall be the subject of further planning applications. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve built form of visual quality.

10. APPROVAL CONDITION - Landscaping detailed plan [Pre-commencement condition]

Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates finished site levels, the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority. In particular, this shall include a robust means of enclosure no less than 1.8m high to prevent through access from the retained open space to and from the most southerly point of access to Weston Lane. The level of the roof terracing over the two wheelchair accessible flats adjacent to the retained public open space shall be higher than the level of that improved space. A minimum of 30 new trees shall be replanted to compensate for the 15 identified for removal. At least 2 of the 30 new trees shall be planted to semi-mature nursery standard (i.e. 25-30cm girth and no less than 5m height at first planting). The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site. Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased,

within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The approved scheme shall be carried out during the first planting season following the full completion of building works. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision. Once provided, the robust means of enclosure no less most southerly point of access to Weston Lane, shall be retained at all times thereafter.

Reason:

To mitigate for tree loss on the site, particularly trees T12 and T13 in the applicant's tree survey. To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

Also in the interests of limiting permeability through the site in the interests of crime reduction.

25. **BRUNSWICK HOUSE, 8-13 BRUNSWICK PLACE 13/00348/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).

Change of use from offices to ground floor commercial use (Classes A1-A5) with student residential accommodation above (156 studio units), rear extension at ground, first and second floor levels and an extension at third floor level to the front of the building with other external alterations.

Ms Knight (Agent) and Mr Linecar (objecting) (Southampton Commons and Parks Protection Society) were present and with the consent of the Chair, addressed the meeting.

RESOLVED

- i) To delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a S.106 Legal Agreement and subject to the conditions listed in the report;
- ii) that in the event that the legal agreement is not completed within 2 months from the date of Planning Panel 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.

26. **LAND BETWEEN 136-166 ABOVE BAR STREET 13/00593/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).

Erection of two buildings, one of which would be up to 10-storeys in height, to provide an Arts Complex incorporating two auditoria, gallery space; ground floor Retail/Restaurant/Cafe/Drinking Establishments (Classes A1/A3/A4) and 38 flats (5 x one-bedroom, 28 x two-bedroom and 5 x three bedroom) with underground parking of 31 spaces. The development proposes the formation of a new street between Above Bar Street and Park Walk.

Mr Armstrong (Applicant), Mr O'Brien (Agent) and Mr Linecar (supporting) (Southampton Commons and Parks Protection Society/City of Southampton Society) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that paragraph 6.11 should read that the year of completion is **2015**.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a S.106 Legal Agreement and subject to the conditions listed in the report;
- ii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to delete, vary or add conditions as necessary as a result of further negotiations with the applicant and analysis of the viability appraisal; and
- iii) that in the event that the legal agreement is not completed within two months of the Planning and Rights of Way Panel 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.

27. **REMOVAL OF THREE MATURE ALDER TREES IN HEATHER COURT**

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

Dr Eavy (Applicant) and Mr Goodwin (supporting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

RESOLVED to **refuse** the removal of all three alder trees to the front of Heather Court.

RECORDED VOTE

FOR	Councillors Mrs Blatchford, Cunio, Claisse, L Harris, Lewsey and Lloyd
ABSTAINED	Councillor Norris