

---

PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 25 May 2010

---

Present: Councillors Fitzhenry (Chair), Jones, Letts, Norris, Osmond, Slade and Thomas

Apologies: Councillor Raymond Mead

1. **ELECTION OF VICE-CHAIR**

**RESOLVED** that Councillor Jones be elected Vice-Chair for the Municipal Year 2010/2011.

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

The Panel noted that Councillor Norris was in attendance as a nominated substitute for Councillor Mead in accordance with Council Procedure Rule 4.3.

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

**RESOLVED** that the Minutes of the meeting held on 13<sup>th</sup> April 2010 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.

4. **LAND TO THE REAR OF 429 SHIRLEY ROAD - 10/00283/FUL**

Redevelopment of the site. Erection of a part 2-storey and part 3-storey building to provide 10 flats (1x one bedroom, 6 x two bedroom and 3 x three bedroom) with associated works

Mr Sennitt (Applicant) was 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 HEAD OF PLANNING AND SUSTAINABILITY TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY.

**RESOLVED**

- (i) that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to:-
  - a) the conditions in the report and the amended conditions below;
  - b) the applicant entering into a Section 106 Legal Agreement to secure:

1. a financial contribution towards the provision of public open space and equipment in accordance with policy CLT5 and IMP1 of the adopted City of Southampton Local Plan and applicable SPG;
  2. a financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 and IMP1 the adopted City of Southampton Local Plan and applicable SPG;
  3. a financial contribution towards site specific transport contributions for highway improvement in the vicinity of the site in accordance with IMP1 the adopted City of Southampton Local Plan and appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
  4. a financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG;
  5. a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
  6. a refuse management plan to outline the methods of storage and waste collection of refuse from the land in accordance with policy SDP1 of the development plan and appropriate SPG; and
  7. an affordable housing provision in accordance with appropriate SPG.
- (ii) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 25<sup>th</sup> June 2010 on the ground of failure to secure the provisions of the Section 106 Agreement.

### Amended Conditions

#### 12 - Renewable Energy - Micro-Renewables

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [of at least 20%] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [by at least 20%] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

#### REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009).

### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The site is part of a defined shopping centre (secondary retail frontage). Whereas no retail use has been proposed for the ground floor of the new building, it is recognised that the main focus for retail activity is Shirley Road and the immediate return into Shirley Avenue. Those elements are outside the application site. Less retail (storage) space on the application site is not considered harmful to the overall vitality and viability of the entire defined shopping centre. This technical failure to meet policy REI4 is therefore not considered to justify a refusal. Other material considerations including the design, impact on the residential amenity of neighbouring dwellings and highway safety issues 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.

Saved Policies - SDP1(i), SDP5, SDP7 (iv) (v), SDP9 (v) H2 (ii) (iii) (vii), CLT5, CLT6 and REI4 of the City of Southampton Local Plan Review (March 2006). CS5, CS13 (11) (12), CS15, CS16, CS19, CS20, CS25 of the adopted Core Strategy (January 2010).

5. **59 AVENUE ROAD - 10/00311/FUL**

Alterations to existing building including new windows and doors and change of use to provide 12 flats (9 x studio flats, 2 x one bedroom flats and 1 x three-bedroom flat) with associated refuse store.

Mr Holmes (Agent) was 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 HEAD OF PLANNING AND SUSTAINABILITY TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY

**RESOLVED**

- (i) that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to:-
  - a. the conditions in the report, the amended and additional conditions below;
  - b. the applicant entering into a Section 106 Legal Agreement to secure:-
    1. a financial contribution towards the provision of public open space and equipment in accordance with policy CLT5 and IMP1 of the adopted City of Southampton Local Plan and applicable SPG;
    2. a financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 and IMP1 the adopted City of Southampton Local Plan and applicable SPG;

3. a financial contribution towards site specific transport contributions for highway improvement in the vicinity of the site in accordance with IMP1 the adopted City of Southampton Local Plan and appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
  4. a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
  5. the local planning authority will not seek an affordable housing contribution subject to the approved works being carried out, and all units being ready for occupation, within 18 months of the date of the decision. If the units are not available for occupation by this date, an affordable housing contribution will have to be paid or a subsequent viability assessment submitted, at the cost of the developer, to determine what amount could be reasonably sought.
- (ii) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 25<sup>th</sup> June 2010 on the ground of failure to secure the provisions of the Section 106 Agreement.

#### Amended Conditions

##### 1 - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

##### REASON:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

##### 7 - Bat Inspection

Prior to the development taking place, the building must be inspected for the presence of Bats. If Bats are discovered within the building work must be stopped, the local planning authority informed and advice sought from Natural England on how to proceed. Development must not proceed until the developer has written confirmation from the local planning authority that the works can proceed. If Bats are not discovered within the building this must be put in writing to the local planning authority prior to the commencement of works.

##### REASON:

For the safeguarding of species protected by The Wildlife and Countryside Act 1981 (as amended) and the conservation of biodiversity as the site is potentially of ecological interest.

#### Additional Conditions

##### 16 – Front boundary wall

The front boundary wall as shown in approved drawings C10/29.13 Rev B and C10/29.12 Rev B shall be built prior to the occupation of the dwellings hereby approved and thereafter retained at all times.

##### REASON:

To enable the local planning authority to control the development in the interests of visual amenity and the prevention of off road car parking.

### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the loss of office accommodation, the impact on the residential amenity of neighbouring dwellings and highway safety issues 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. Objections regarding over intensive use of the site, where the quality of living accommodation proposed is of an acceptable standard, have been carefully considered. The proposals are considered to be an appropriate re-use of an existing building. 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.

Saved Policies - SDP1(i), SDP5, SDP7 (iv) (v), SDP9 (v) H2 (ii) (iii) (vii), H5, CLT5, CLT6, of the City of Southampton Local Plan Review (March 2006). CS5, CS13 (11) (12), CS15, CS16, CS19, CS20 of the adopted Core Strategy (January 2010).

#### 6. 20-24 ORCHARD PLACE - 10/00242/FUL

Renewal of 06/01681/TEMP for continued use of land for parking 24 cars for a further 3 years (until 31.03.2013)

Mr Barker (Applicant) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL TEMPORARY PLANNING PERMISSION UNTIL 31.03.2013 WAS CARRIED UNANIMOUSLY

**RESOLVED** that temporary planning approval be granted subject to the conditions in the report.

### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including surrounding character and amenity have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable, conditions have been applied in order to satisfy these matters. As the City Centre Action Plan is not due to be adopted until 2013 and given that this is an existing situation having a neutral effect on the amenities of the area - introducing some activity and natural surveillance to the area - it is considered unreasonable to object to the principle of the proposal for a further temporary period. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus temporary permission until 31 March 2013 should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11 and SDP17 of the City of Southampton Local Plan Review (March 2006); and CS18, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).