

**PLANNING AND RIGHTS OF WAY PANEL**  
**MINUTES OF THE MEETING HELD ON 22<sup>ND</sup> DECEMBER 2009**

Present: Councillor Jones (Vice Chair)  
Councillors Cunio, Norris, Osmond and Thomas

Apologies Councillors Mrs Blatchford, Davis and Fitzhenry

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**COUNCILLOR JONES IN THE CHAIR**

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**40. APOLOGIES/ CHANGES IN MEMBERSHIP**

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

**41. MINUTES OF PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)**

**RESOLVED** that the Minutes of the meeting held on 24<sup>th</sup> November 2009 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.

**42. 09/01071/R3CFL Bitterne Park School, Copsewood Road**

Erection of a new 6th form college building on three floors with associated works and access from Dimond Road

Mr Everett (Deputy Headteacher – Bitterne Park School) Ms Birtie (Architect) Mr Tanner (Local Resident) and Councillor Baillie (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

**RESOLVED** that planning approval be granted subject to the conditions in the report, and the amended and additional conditions set out below.

**Amended Conditions**

**5 - Sustainable Drainage Systems**

Prior to the commencement of development, a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained

and maintained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

**REASON:**

To conserve valuable water resources, in compliance with policy SDP13 (vii) of the City of Southampton Local (2006) and to protect the quality of surface run-off and prevent pollution of water resources and comply with SDP21 (ii) of the City of Southampton Local Plan (2006). To prevent an increase in surface run-off and reduce flood risk in compliance with SDP21 (i) of the City of Southampton Local Plan (2006). Code for Sustainable Homes: Category 4 - Surface Water Run-off.

**22 - Ecological Mitigation Statement**

Prior to development commencing including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which go beyond the limited measures set out in the submitted December 2008 ECOSA extended phase 1 ecological survey, which shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

**REASON:**

To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity, so as to mitigate against the loss of potential foraging habitat, increased lighting levels and general disturbance.

**24 - Travel plan**

The travel plan submitted by Capita Symonds dated 7 October 2009 shall be implemented at all times. The 6th form college is in use in conjunction with that already existing for the Bitterne Park Secondary School and shall be updated and reviewed on an annual basis. The City Council's Travel Plan Officer and at least one Deputy Head Teacher from Bitterne Park School shall be members of the body that will review the School Travel Plan, both for Bitterne Park School and the new sixth form college hereby approved. A copy of the reviewed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority on an annual basis. The plan shall include provisions to encourage the use of alternative modes of travel to and from the site, together with targets and provisions for monitoring and review. In particular, the facilities proposed for bicycle parking, including shower facilities, lockers and secure bicycle parking shall be fully implemented as part of this permission and retained at all times thereafter.

**REASON:**

To encourage sustainable modes of travel.

**Additional Conditions**

**39 - Demolition/site clearance restriction**

No demolition of any building, scrub clearance or tree felling shall take place between March and July of any year.

**REASON:**

To avoid harm to breeding birds.

## 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 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. In particular, objections relating to visual appropriateness and traffic/parking impact have been carefully assessed. The scale and appearance of the building mitigated by new planting and a change in levels across the site is considered acceptable. Traffic issues are judged to be capable of management with a planned reduction in car trips, as part of continued implementation of a regularly monitored and reviewed School Travel Plan. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus deemed planning permission should therefore be granted.

### **43. 09/00860/FUL**

### **330 Bursledon Road**

Redevelopment of the site with three-storey buildings to provide 8 x three-bedroom houses and 6 x two-bedroom flats, with associated car parking and vehicular access from Bursledon Road

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE DEVELOPMENT CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED

RECORDED VOTE:

FOR: Councillors Jones, Norris, Osmond and Thomas

AGAINST: Councillor Cunio

### **RESOLVED**

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-
  - a) the conditions in the report and the additional conditions below;
  - b) authorisation for the making of an order under S257 of the Planning Act for the diversion of the footpath on the grounds that the diversion is necessary for the application to proceed;
  - c) the applicant entering into a Section 106 Legal Agreement to secure:
    - 1 a financial contribution towards improvements to public open space 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 bio-diversity management plan;
  - 7 a refuse management plan;
  - 8 a routing agreement for construction vehicles; and
- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed within a three month period from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

#### Additional Conditions

20 - No access of any kind shall be made or created directly linking the site with the adjacent greenway

#### REASON

In the interests of protecting the character and bio-diversity value of the greenway.

#### 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 highway safety, land stability, loss of trees, the impact on the setting of the greenway, the impact on wildlife and the amenities of nearby residents 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.

Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP12, SDP13, NE3, NE4, H1, H2, H7, H8, H12, CLT3, CLT5, CLT6 and IMP1 of the City of Southampton Local Plan Review (March 2006).

**44. 09/01173/FUL**

**110-120 BITTERNE ROAD WEST**

Change of use for a temporary period of part of first floor of southern building on the Bitterne Business Centre from office (Use Class B1a) to dental surgery (Use Class D1)

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE DEVELOPMENT CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO NO SIGNIFICANT ADVERSE COMMENT BEING RECEIVED FROM STATUTORY CONSULTEES FOLLOWING THE EXPIRY OF CONSULTATION PERIOD ON 31 DECEMBER 2009, WAS CARRIED UNANIMOUSLY

**RESOLVED**

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to no significant adverse comment being received from statutory consultees following the expiry of consultation period on 31 December 2009; and
- (ii) the conditions in the report.

**REASONS FOR THE DECISION**

The application constitutes a departure from the Development Plan (Policy REI 11 (i) of the City of Southampton Local Plan March 2006). However, other material considerations, namely the temporary and personal nature of the permission and the need to provide a short term solution to relocate an existing business from the site of a large scale redevelopment, outweigh compliance with the policy. The aims of the policy will not be materially prejudiced in the longer term. Conditions have been imposed to satisfy these matters. The scheme is judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted.

**45. 09/01038/FUL**

**Garage Site Adjacent to 27 Orpen Road**

Redevelopment of the site. Erection of 2 x two-storey terraced blocks comprising 6 three-bedroom houses with associated parking to include revised site access and stopping up of public footpath

Mr Groucott (Applicant's Agent) and Mrs Booth (Local Resident) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE DEVELOPMENT CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO A UNILATERAL UNDERTAKING BY THE EXECUTIVE DIRECTOR OF NEIGHBOURHOODS WAS CARRIED UNANIMOUSLY

**RESOLVED**

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-

- (a) receipt of an undertaking from the Director of Neighbourhoods that contributions are put aside from the housing revenue account into the general fund to secure financial contributions towards public open space, site specific transport works and strategic transport projects in accordance with policy. The undertaking shall also secure a highway condition survey and that subject to agreement from the Electricity Board the developer will pay for enclosure of the electricity sub-station;
- (b) the making of an order under Section 257 of the TCPA 1990 to stop up the existing footpath running through the site as it is necessary to allow the development to proceed; and
- (c) the conditions in the report, the amended and additional conditions below.

#### Amended Conditions

##### 4 – No other windows or doors other than approved

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted above ground floor level without the prior written consent of the Local Planning Authority.

##### REASON:

To protect the amenities of the adjoining residential properties

##### 10 – Ecological Mitigation Statement

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures for approval which shall subsequently be implemented in accordance with the programme before any demolition work or site clearance takes place unless otherwise agreed in writing by the Local Planning Authority.

##### REASON:

To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

##### 12 - Boundary fence

Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include secure gated access to the rear gardens of the houses. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

##### REASON:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property

### Additional Conditions

#### 19 - Car parking

The car parking area shown on the approved drawing shall be laid out and surfaced before the use hereby permitted commences and shall only be made available for use by the occupiers of the dwellings hereby approved and thereafter kept clear and maintained at all times for that purpose.

REASON: To prevent obstruction to traffic in neighbouring roads.

#### 20 - Acoustic Report (Pre-Commencement Condition)

Prior to the commencement of development an acoustic report assessing the impact of the existing sub-station on the proposed residential dwellings shall be submitted and agreed in writing by the Local Planning Authority. Any mitigation measures recommended by the acoustic report shall be implemented prior to first occupation of the houses and permanently retained thereafter.

REASON: To ensure a satisfactory form of development.

#### 21 - Retained pedestrian and vehicular access from Orpen Road

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any other Order revoking or re-enacting this Order) no walls, fences or other permanent means of enclosure shall be erected across the pedestrian and vehicular access route through the site.

REASON: To ensure that permeability is retained through the site.

### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional family affordable housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006, as supported by SPD and the emerging Core Strategy.

**46. 31 EASTFIELD ROAD**

The Panel considered the report of the Head of Planning and Sustainability in consultation with the Solicitor to the Council detailing issues in regard to the requirement for an Enforcement Notice at 31 Eastfield Road. (Copy of report circulated with the agenda and attached to the signed minutes).

The Panel noted the officer's recommendation not to pursue enforcement action in respect of a breach of planning control in respect of the increase in roof height of no more than 100mm above the approved height as detailed in consent granted by the Panel on 26 June 2009 allowing for the erection of a single storey rear extension

The Panel also noted that whilst the works carried out on site were not in accordance with the planning approval, the discrepancy between the 'as built' and the 'approved plans' was minor and would be unlikely to warrant the taking of formal enforcement action as no harm has been caused by the discrepancy identified.

The Panel further noted that should an application be submitted seeking consent for an increase in height of not more than 100mm it would be likely to result in a recommendation that planning permission be granted.

**RESOLVED** that an Enforcement Notice not be authorised.