

## PLANNING AND RIGHTS OF WAY PANEL

### MINUTES OF THE MEETING HELD ON 19TH JANUARY 2010

Present: Councillor Fitzhenry (Chair), Councillor Jones (Vice Chair),  
Councillors Mrs Blatchford, Davis (except item 53), Norris (except  
items 55, 56 and 57), Osmond and Thomas

#### 47. APOLOGIES/ CHANGES IN MEMBERSHIP

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

#### 48. MINUTES OF PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)

**RESOLVED** that the Minutes of the meeting held on 22<sup>nd</sup> December 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.

#### 49. **09/01133/FUL                      1a - 1h Janson Road**

Conversion of 8 town houses to provide a total of 40 x one-bedroom flats and relief from Conditions 4, 5, 6 and 8 of previous planning permission reference 01/01003/FUL to enable retention of works carried out to convert garages to flat / bin store and retention of conservatories.

Mr Louizou (Applicant), Mr Donohue (Agent), and Mr Bishop, Mr Hooper, Mrs Barter (Local Residents) and Councillors Moulton and Cooke (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO REFUSE PLANNING PERMISSION WITH ADDITIONAL AUTHORISATION TO TAKE ENFORCEMENT ACTION WAS CARRIED UNANIMOUSLY

#### **RESOLVED**

(i) that conditional planning permission be refused for the following reasons:-

- a) loss of family housing, inadequate refuse, cycle and amenity provision for future occupiers, impact on character of the area and the amenities of local residents.

With regard to the Conversion of the 8 Town Houses to 40 flats:-

- 1 the proposal results in the loss of 8 family houses for which there is an identified need and shortfall within the City. As such, the proposals are contrary to Policy CS16 of the Core Strategy and the requirements of the Supplementary Planning Document: Family Housing June 2009;

- 2 notwithstanding the above, the proposals fail to provide an appropriate mix of dwelling types and sizes contrary to the requirements of Policy H12 of the City of Southampton Local Plan Review 2006 and the requirements of the Supplementary Planning Document: Family Housing June 2009;
- 3 the proposal represents an over-intensive use of the site which by reason of the level of activity and facilities associated with 40 individual households would be detrimental to the character of the area and the amenities of nearby residents contrary to Policies SDP1 (i) - (iii), SDP7 (iii), (iv) - (v), SDP9 (v), SDP 10 (ii) and H4 (i), (ii) - (iii) of the City of Southampton Local Plan Review 2006;
- 4 the proposal fails to make adequate provision for facilities to serve future occupiers of the units including amenity space, refuse storage and cycle storage. The significant deficit of amenity space is compounded by the conservatories, size and layout of the individual units resulting in a failure to provide an acceptable living environment for future occupiers, including no natural light/outlook or ventilation for the bedroom spaces shown in place of the originally approved integral garages. The proposals are therefore contrary to policies SDP1 (i), H4 and H7 (i)/(ii)/(iii) of the City of Southampton Local Plan Review (March 2006) and paragraphs 2.2.1 (access to natural light, outlook and privacy), 4.4.1 - 4.4.4 (amenity space), 5.2.1 - 5.2.2 (car-parking), 5.3.1 - 5.3.4 (cycles), and 9.2 - 9.4.7 (refuse) of the Residential Design Guide (September 2006).

b) - Lack of Car Parking

With regard to the relief of conditions 4, 5 and 6 of planning consent 01/01003/Ful:

- 1 given the number of individual units proposed, notwithstanding the high accessibility location of the site, a car free scheme is not considered appropriate and the proposed garage conversions will result in additional on street parking in a location that is already heavily parked, whereby the impact of the free flow of traffic on Janson Road would be to the detriment of highway safety for all users. Furthermore, the subsequent length of retained driveway fail to retain sufficient parking to even accommodate one vehicle and will therefore, result in unsatisfactory parking taking place upon the site resulting in the obstruction of pedestrians using the adjacent highway land, particularly during the process of unloading and loading of goods or items given the current short term nature of the tenancies. The development would therefore prove contrary to the provisions of Policy SDP1, SDP3, SDP5, SDP7, SDP10 of the City of Southampton Local Plan (Adopted Version) March 2006 as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006);

2 Hampshire Constabulary have confirmed that there is evidence that residents on Janson Road have experienced and reported anti-social behaviour, which is often linked to criminal damage to vehicles parked on the road. The proposed garage conversions will result in additional on street parking and therewith, more vehicle related crime on Janson Road to the detriment of the owners of the parked vehicles. Furthermore, the subsequent length of retained driveway of the host properties will result in parked vehicles overhanging adjacent highway land and therefore, a likely increase in criminal damage to vehicles to the detriment of the owners. The development would therefore prove contrary to the provisions Section 17 of the Crime and Disorder Act 1998 and of Policies SDP1, SDP3, SDP5, and SDP10 of the City of Southampton Local Plan (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (September 2006);

c) - Inadequate Amenity Space

With regard to the relief of Condition 8 of planning permission 01/01003/Ful and the retention of the existing conservatories:

The variation of condition 08 to permission 01/01003/FUL, to allow the enlargement of the dwelling houses will fail to leave adequate private amenity space to serve each of the proposed flats. 4,9sq m of external amenity space per flat is significantly below the Council's adopted minimum standards and coupled with the internal living accommodation provided, creates an unacceptable living environment for occupiers of each property. As such, the proposed development would prove contrary to Policies SDP1 (i - particularly paragraphs 2.3.12-2.3.14 and Section 4.4 of The Residential Design Guide 2006 [September 2006]) and H7 (iii) of the City of Southampton Local Plan Review (March 2006);

d) - S106 contributions

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not therefore, satisfy the provisions of Policy IMP1 of the City of Southampton Local Plan Review Adopted Version March 2006 as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- 1 measures to satisfy the public open space requirements of the development have not been secured. As such, the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 Policy CLT5;
- 2 measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site have not been secured, contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;

- 3 measures to support strategic transportation initiatives have not been secured. As such, the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;
  - 4 measures to support a refuse management plan to outline the methods of storage and waste collection of refuse from the land in line with Policy SDP1 of the City of Southampton Local Plan March 2006;
  - 5 in the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;
  - 6 provision of Affordable Housing in accordance with Policy CS15 of the emerging Core Strategy 2010;
  - 7 a Traffic Regulation Order to secure on street parking for the existing residents of Janson Road to attempt to mitigate against the impact of the demands of the new residents living in this development. Residents of this development would not be entitled to parking permits; and
- (ii) that delegated authority be given to the Solicitor to the Council on instruction by the Development Control Manager to serve up to 8 separate enforcement notices against the breaches of planning control identified at 1a-1h Janson Road

**50. 09/01213/FUL**

**Land rear of 82 and 86 - 88 Shirley Avenue**

Erection of 3 x 2-storey detached houses with integral garage (2 x 2 bed and 1 x 3 bed) with associated parking and storage

An update sheet was tabled at the meeting setting out the following amendments to the report:-

- Highway Safety was omitted in error from the bullet point list of Planning Consideration Key Issues however the impact of the proposed development on highway safety was a key issue for consideration;
- with reference to Consultation it was confirmed that the application was not advertised in the press;
- Planning Application 08/01479/FUL was omitted in error from the Planning History. Application 08/01479/FUL proposed an identical scheme to Application 08/00768/FUL (included in the Planning History) and the deemed reasons for refusal presented by the Council at Appeal were taken from the refusal reasons of Application 08/01479/FUL and fully debated at Appeal

Mr Beck (Agent), Mrs Baldwin (Applicant) and Mr Wiseman (Local Resident) were 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 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 Mrs Blatchford, Davis, Fitzhenry, Jones, Norris and Osmond

AGAINST: Councillor Thomas

**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 amended conditions below;
  - b) the applicant entering into a Section 106 Legal Agreement to secure the widening of the footway in front of the application site to a width of 2m; and
- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed within two months from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

**Amended Conditions**

**4 - Landscaping Details**

No development shall take place until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The submitted details shall include:

- i. hard surfacing materials, structures and ancillary objects (including lighting); and,
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants, noting species, plant sizes and proposed numbers/planting densities where appropriate. In particular the scheme shall include the planting of two trees on the common rear boundary of 86 Shirley Avenue and the new house behind it hereby approved.

**REASON:**

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity and privacy, 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.

**6 - Landscaping replacement**

If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it; it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local

planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON:

To ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme

7 - Sightlines specification

Sight lines in the form of a 2 metre strip measured from the back of footway shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (as amended) no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays.

REASON:

To provide safe access to the development and to prevent congestion on the highway.

9 - Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), E (outbuildings, enclosures or swimming pools) and F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

REASON:

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

#### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposal has addressed the reason for the dismissal of the previous planning appeal. The proposal would not have a detrimental on highway safety and sufficient on-site car parking spaces are proposed. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning permission should therefore be granted.

Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP13, SDP14, H1, H2, H7, H8, H9, H12, CLT5, CLT6 and IMP1 of the City of Southampton Local Plan Review (March 2006).

#### **51. 09//01154/FUL Land to the rear of 68 - 70 Shirley Avenue**

Erection of 2 x three-bed detached dwellings with parking and associated storage accessed from Howards Grove

An update sheet was tabled at the meeting setting out the following amendments to the report:-

- Highway Safety was omitted in error from the bullet point list of Planning Consideration Key Issues however the impact of the proposed development on highway safety was a key issue for consideration;
- with reference to Consultation it was confirmed that the application was not advertised in the press;
- Planning Application 08/01479/FUL was omitted in error from the Planning History. Application 08/01479/FUL proposed an identical scheme to Application 08/00768/FUL (included in the Planning History) and the deemed reasons for refusal presented by the Council at Appeal were taken from the refusal reasons of Application 08/01479/FUL and fully debated at Appeal.

Mr Cope (Applicant) and Mr Wiseman (Local Resident) 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 conditions set out below.

#### Amended Conditions

##### 4 - Landscaping Details

No development shall take place until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The submitted details shall include:

- i. hard surfacing materials, structures and ancillary objects (including lighting); and,
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities.

#### REASON:

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.

##### 6 - Landscaping replacement

If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON:

To ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme.

7 - Sightlines specification

Sight lines in the form of a 2 metre strip measured from the back of footway shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (as amended) no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays.

REASON:

To provide safe access to the development and to prevent congestion on the highway.

9 - Shared access path

The pedestrian route of no less than 900mm in width throughout, between the two dwellings to the rear gardens shall be made available as a shared access before the development first comes into occupation and thereafter retained as approved. For the avoidance of doubt, the path shall not be subdivided.

REASON:

To ensure that satisfactory access to the refuse and cycle stores for both dwellings is provided and retained.

10 - Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), E (outbuildings, enclosures or swimming pools) and F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

REASON:

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposal has addressed the reason for the dismissal of the previous planning appeal. The proposal would not have a detrimental on highway safety and sufficient on-site car parking spaces are proposed. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning permission should therefore be granted.

Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP13, SDP14, H1, H2, H7, H8, H9, H12, CLT5, CLT6 and IMP1 of the City of Southampton Local Plan Review (March 2006).



**52. 09/01236/FUL**

**210 Bassett Green Road**

Redevelopment of the site. Erection of 9 x 4 bed houses (3 x 3 storey terraced houses, 2 x 3 storey semi-detached houses, 2 x 2 storey detached (one with accommodation in roof) and 2 x 2 storey detached houses with a accommodation in roof) following demolition of existing houses with parking and refuse/cycle storage

Mrs Ward (Architect), Mr Thakrar and Mr Thompson (Local Residents) and Councillor Samuels (Ward Councillor) were 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 DEVELOPMENT CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS LOST

RECORDED VOTE:

FOR: Councillors Mrs Blatchford and Thomas

AGAINST: Councillors Davis, Fitzhenry, Jones and Norris

ABSTAINED: Councillor Osmond

A FURTHER MOTION proposed by Councillor Fitzhenry and seconded by Councillor Davis 'that the application be refused for the following reasons:-

(i) Impact on Character

The proposed development would be discordant with the spacious character which prevails in the locality of the site. In particular, two of the proposed dwellings would be designed with insufficient private and useable amenity space in contrast to the surrounding area in which dwellings are served by gardens which are well in excess of the Council's adopted amenity space standards. Furthermore, the reliance on obscure glazing to prevent overlooking of the neighbouring properties also demonstrates that the proposal does not reflect the spacious layout of buildings which is typical of the Bassett character. Finally, the incorporation of three-storey development would be incongruous to the original character of buildings to be found within the vicinity of the site. 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 Policy CS13 (1) (2) of the emerging Local Development Framework Core Strategy 2010, policies SDP1 (ii particularly the guidance of paragraphs 2.3.17, 3.8.2-3.8.3, 3.9.1 – 3.9.2, 3.9.5 to 3.9.6 and 4.4.1-4.4.4 of the Residential Design Guide [September 2006]), SDP7 (iii)/(iv), SDP9 (i)/(v) and H7 (i)/(iii) of the City of Southampton Local Plan Review (March 2006).

(ii) Failure to enter into a Section 106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of Policy IMP1 of the City of Southampton Local Plan Review (March 2006) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in the following ways:-

- (a) a financial contribution towards the provision and maintenance of open space in accordance with Policy CLT5 of the revised deposit of the Local Plan and applicable SPG;
- (b) a financial contribution towards the provision of a new children's play area and equipment in accordance with Policy CLT6 of the revised deposit of the Local Plan and applicable SPG;
- (c) a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site in accordance with appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
- (d) 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. As such the development is also contrary to the City of Southampton Local Plan Review (March 2006) policies SDP1, SDP2 and SDP3;
- (e) in the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;
- (f) to implement an agreed series of site specific transport works under S.278 of the Highways Act, specifically the introduction of Traffic Regulation Order to introduce parking restrictions on Bassett Green Road, in line with policies SDP3, SDP4, and IMP1 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended); and
- (g) affordable housing in accordance with Policy H9 of the Local Plan Review and Policy CS15 from the emerging Local Development Framework Core Strategy 2010.

RECORDED VOTE:

FOR: Councillors Davis, Fitzhenry, Jones and Norris

AGAINST: Councillors Mrs Blatchford and Thomas

ABSTAINED: Councillor Osmond

**RESOLVED** that conditional planning permission be refused for the reasons set out above.

53. 09/01169/FUL

12-13 Holland Road

Two storey side extension and alterations to existing building to provide 4x1-bed flats (2 additional) with associated parking and bin/cycle storage

Mr Jackson (Local Resident) and Councillor Richard Williams (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

RECORDED VOTE:

FOR: Councillors Jones and Osmond

ABSTAINED: Councillors Mrs Blatchford, Fitzhenry, Norris and Thomas

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

Amended Conditions

2- - Materials to match

The materials and finishes to be used for the external walls (including brick bond), windows and window recess, drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building. In particular, greater clarity on any contrasting coloured brickwork to replicate the design of patterned brickwork in the existing elevation should be fully specified.

REASON:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

5- Glazing panel specification

The bathroom windows in the side elevation of the building hereby approved shall be glazed in obscure glass and shall only have a top light restricted opening. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

REASON:

To protect the privacy enjoyed by the occupiers of the adjoining property.

Additional Conditions

15 - Soundproofing of party wall

Before development commences, a detailed scheme for the soundproofing of all of the party wall with 11 Holland Road shall be submitted to and approved by the Local Planning Authority. Such agreed scheme of soundproofing shall be fully implemented prior to first occupation of the flats hereby approved and thereafter retained at all times.

REASON:

To protect the amenities of the occupiers of 11 Holland Road.

16 - Pathway to serve the cycle store

Notwithstanding the plans hereby approved a pathway shall be provided to serve the cycle store. Details of the layout and surfacing treatment of the pathway shall be submitted to the Local Planning Authority prior to first occupation of the flats hereby approved. The pathway shall be fully installed and retained as agreed.

REASON:

To encourage alternative modes of transport to the car and to provide a satisfactory form of development.

#### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. It is considered that this application to convert and extend the site is acceptable as 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. The 12 representations made to the application have raised issues that have been considered as set in the report to Panel. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006.

Cllr Davies was absent for the consideration of this agenda item

#### **54. 09/ 01134 /FUL 238 Weston Lane**

Erection of a 3-storey building (including accommodation in roofspace) to create 6 x1-bed and 2 x 2-bed flats with associated parking and cycle/refuse storage

Mr Henderson (Agent) and Councillor Richard Williams (Ward Councillor) were 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 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 Davis, Fitzhenry, Jones, Norris, Osmond and Thomas

ABSTAINED: Councillor Mrs Blatchford

## **RESOLVED**

- (i) that authority be delegated to the Development Control Manager 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 and maintenance of open space required by the development in line with polices CLT5 and IMP1 of the City of Southampton Local Plan Review (Adopted Version - March 2006) and the adopted SPG relating to 'Planning Obligations' (November 2006);
    - 2 a financial contribution towards the provision and maintenance of play space required by the development in line with policies CLT6 and IMP1 of the City of Southampton Local Plan March 2006 and adopted guidance on Planning Obligations November 2006;
    - 3 a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site towards measures to encourage the use of alternative modes of transport to the private car in line with polices SDP3, SDP4 and IMP1 of the City of Southampton Local Plan Review (Adopted Version - March 2006) and the adopted SPG relating to 'Planning Obligations' (November 2006);
    - 4 a financial contribution towards strategic transport contributions for highway network improvements in line with polices SDP3, SDP4 and IMP1 of the City of Southampton Local Plan Review (Adopted Version - March 2006), the Local Transport Plan, and the adopted SPG relating to 'Planning Obligations' (November 2006);
    - 5 entering into a Traffic Regulation Order to extend the double yellow lines around the junction of Weston Lane and Newtown Road;
    - 6 submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
    - 7 submission and implementation within a specified timescale of a Waste Management Plan;
    - 8 the dedication of part of the application site as indicated on the submitted plan number 7924/100 rev A to the Highways Authority to improve visibility around the junction of Newtown Road with Weston Lane; and

- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed within six weeks from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

#### Amended Conditions

##### 12 - Delivery times

No deliveries shall be taken in or dispatched from the site during construction between the hours of 08:30 and 09:30 and after 15:00, Mondays to Fridays.

##### REASON:

To avoid traffic congestion during rush hour times, having regard to the site's proximity to a school.

##### 13 - Sightlines specification

Sight lines 2m by 40m measured at the kerbline shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (as amended) no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays

##### REASON:

To provide safe access to the development and to prevent congestion on the highway.

#### Additional Conditions

##### 15 – Details of doors to refuse and cycle storage

Notwithstanding, the details shown on the plans hereby approved, prior to the commencement of development, revised details of side hung external doors to the cycle and refuse stores shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with these details.

##### REASON:

To ensure that the storages are easily accessible by residents of the development.

#### REASONS FOR THE DECISION

##### General Reason for Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposal has addressed the reason for the dismissal of the previous planning appeal. The proposal would not have a detrimental on highway safety and sufficient on-site car parking spaces are proposed. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning permission should therefore be granted.

Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP13, SDP14, H1, H2, H7, H8, H9, H12, CLT5, CLT6 and IMP1 of the City of Southampton Local Plan Review Adopted Version (March 2006).

**55. 09/01185/FUL**

**74 St. Annes Road**

Redevelopment of the site. Demolition of the existing building and erection of a 3 storey, 70 bedroom residential care home with associated parking and other facilities

Councillor Richard Williams (Ward Councillor) 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 DEVELOPMENT CONTROL MANAGER 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 Development Control Manager to grant conditional planning approval subject to:-
  - (a) the conditions in the report and the additional condition below;
  - (b) the applicant entering into a Section 106 Legal Agreement to secure:
    - 1 financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site – including works to secure a 2 metre wide footpath along the site’s frontage - in line with policies SDP3, SDP4 and IMP1 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
    - 2 a financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
    - 3 submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
    - 4 a revised Green Travel Plan; and
- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed by 12<sup>th</sup> February 2010 from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

**Additional Conditions**

**29 – Biodiversity Mitigation**

Unless otherwise agreed in writing with the Local Planning Authority the demolition and construction phase of the development hereby approved shall be implemented and completed only in accordance with those recommendations as set out at Section 7 of the applicant’s “Bat and Nesting Birds Survey” (January 2010 – Colleen Mainstone).

REASON:

In the interests of enhancing the site's biodiversity and mitigating against the scheme's direct impacts.

**REASONS FOR THE DECISION**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The provision of a 70 bed care home is an acceptable use for this site and replaces a previous flatted block associated with an extant planning permission. The scale and design of the building is similar to that previously agreed as acceptable and the reduction in frontage hard-standing enhances the setting of the building. The proposed car parking exceeds the Council's current Local Plan standards but has been justified. There are no fresh tree issues following the receipt of an up-to-date Tree Survey and amended plans. The application has addressed the emerging policies of the Council's Core Strategy and meets its sustainable development obligations. There are no tree objections to the proposals. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies – SDP1, SDP3, SDP5, SDP7, SDP9, SDP10, SDP13, H1, H7, HC3, CLT2 and IMP1 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the emerging Core Strategy.

**56. WEST QUAY ROAD SITE - REQUEST TO REMOVE TREES**

The Panel considered the report of the Head of Planning and Sustainability seeking conditional permission for the removal of two Silver Birch trees at West Quay Road and to condition the planting of up to 8 replacement fastigiata crowned trees. (Copy of report circulated with the agenda and attached to the signed minutes).

**RESOLVED**

- (i) Subject to the applicant entering into an agreement with the council for the planting of up to 8 replacement fastigiata crowned trees, the choice of species, size and spacing of the trees being delegated to the Senior Tree Officer, that consent be given to the removal of the two Silver Birch trees on the Richmond Hyundai site on grounds of health and safety;

**57. PUBLIC RIGHTS OF WAY: UPDATE REPORT**

The Panel received and noted the 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. (Copy of report circulated with the agenda and attached to the signed minutes).