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SOUTHAMPTON CITY COUNCIL  
PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 17 SEPTEMBER 2013

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Present: Councillors Mrs Blatchford (Chair), Claisse, Cunio (Vice-Chair), L Harris, Lewzey, Lloyd (Except Agenda Item 6 / Minute 47) and Norris

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

**RESOLVED** that the Minutes of the Meeting held on 20 August 2013 be approved and signed as a correct record.

46. **6 RICHMOND GARDENS - 13/00750/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 facilitate conversion of existing C4 HMO into 1x 3-bed and 1x 2-bed flats with associated cycle/refuse storage.

Mr Cook and Mr Singh (local residents / objecting) and Councillor Vinson (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that paragraph 5.1.2 of the report "Response" should refer to paragraph 6.3 of the report not paragraph 6.6 which did not exist; that paragraph 6.5.1 of the report should read "maximum" rather than "minimum" parking standards.

**RESOLVED** that conditional planning permission be refused for the reasons set out below:-

**Reasons for Refusal**

**1. Reason for Refusal - Unneighbourly development**

The scale and massing of the proposed extension by reason of its depth of projection to the side and rear in close proximity to the common boundary with 7 Richmond Gardens will be an unneighbourly form of development, resulting in a undue loss of light and outlook to the neighbouring occupiers. As such the proposal will have an unacceptable impact on residential amenity and therefore contrary to saved policies SDP1(i) of the City of Southampton Local Plan Review (Adopted March 2006) as supported by the guidance set out in paragraph 2.2.1 to 2.2.2 of the Council's Residential Design Guide Supplementary Planning Document (Approved September 2006).

**2. Reason for Refusal - Lack of information**

There is a lack of information submitted with the application to determine whether the proposal will be contrary to saved policy SDP1(i) of the City of Southampton Local Plan

Review (Adopted March 2006), as the result of further pressure to on-street parking which will make it difficult for residents to park in walking distance of their property to the detriment of residential amenity.

RECORDED VOTE to refuse planning permission for the reasons set out above:-

FOR: Councillors Claisse, Cunio, Harris and Norris  
AGAINST: Councillors Mrs Blatchford, Lewsey and Lloyd

47. **320 PORTSWOOD ROAD - 13/01015/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).

Alterations and conversion to provide 18 flats for student accommodation with a part two-storey and part single-storey rear extension and associated parking (re-submission of 12/01764/ful).

Mr R Wiles (Agent) and Councillor Vinson (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that with regard to paragraph 6.3.1 of the report, the applicant had now stated that notice had not been served by the landlord of the pub / live music venue on the owner.

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

**Reasons for Refusal**

**1. Reason for Refusal - Loss of community facility**

Whilst the application has been submitted as a fallback position in the event the pub / music venue fails, granting consent would effectively allow for the loss of this community facility. The application has been supported by representations to indicate the venue represents a community asset and the National Planning Policy Framework advises the planning system to guard against the unnecessary loss of valued community facilities (which includes public houses). Furthermore no evidence has been submitted to demonstrate that the pub/music venue is not viable and that it would not be viable as a community building for alternative community use. Therefore the proposal is contrary to paragraph 70 of the National Planning Policy Framework (March 2012).

**2. Reason for Refusal - Failure to secure planning obligations**

The proposal fails to satisfy the provisions of Policy CS25 of the City of Southampton Local Plan Review (March 2006) and the Developer Contributions Supplementary Planning Document (April 2013) by not securing the following:

- a) Site Specific Transport measures to support sustainable modes of transport and highway safety

OR

Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the Developer Contributions Supplementary Planning Document (April 2013) ;

- b) Financial contributions towards the carbon offset fund to ensure that once energy efficiency measures and renewable or low carbon technology opportunities have been maximised, any remaining CO2 emissions can be offset with investment towards renewable energy and energy efficiency projects elsewhere in the city, in accordance with policy CS20 of the adopted LDF Core Strategy (2010) and Developer Contributions Supplementary Planning Document (April 2013)
- c) In lieu of making an Affordable Housing provision, the restriction of the occupation of the buildings to full-time students only.
- d) The provision of a Student Intake Management Plan, detailing the measures whereby the impact of students' arrival and departure at the start and end of each term is mitigated to reduce the impact on the residents in the immediate vicinity of the development site.
- e) The submission of Highway Condition Surveys to ensure that damage attributable to the construction process is repaired and the public highway is reinstated to the original condition before development commenced.
- f) Car parking permit restrictions.

RECORDED VOTE to refuse planning permission for the reasons listed above:-

FOR: Councillors Cunio, Harris and Norris  
AGAINST: Councillors Blatchford and Lewsey  
ABSTAINED: Councillor Claisse

NOTE: Councillor Lloyd declared an interest and withdrew from the meeting for the consideration of this item.

48. **19 - 23 CANUTE ROAD - 13/00496/OUT**

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. Demolition of the existing building and erection of a 7-storey building to provide 11 flats for student accommodation (55 bedspaces) (Outline application seeking approval for access, layout, appearance and scale).

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

The presenting officer reported that the objection received previously (which had been the reason for the application coming before the Panel rather than being dealt with under officer delegated powers) had since been withdrawn.

In addition, the presenting officer reported an additional Head of Terms to the S106 Agreement for a student drop off and collection point and an additional condition that the ground floor amenity space be retained.

### **RESOLVED**

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report, and the amendment to the S106 and amended conditions, set out below; and
- ii) that in the event that the legal agreement is not completed within three months of the date of this decision 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.

### **Amendment to S106**

1) vi) Submission and approval of a Student Drop-off/Collection plan prior to 1<sup>st</sup> occupation

### **Additional Condition**

#### **15 APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]**

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

#### **REASON:**

To ensure the provision of adequate amenity space in association with the approved flats.

#### **49. REAR OF 36 ARCHERS ROAD - 13/00869/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 detached 5-bed house including accommodation with roofspace, with associated parking and cycle/refuse storage (amendment to planning permission 11/02037/ful for additional window to side elevation and 3 roof lights)

Ruth Harding (Agent) and Penny Dineen (local resident / objecting) were 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 amended recommendation that authority be delegated back to officers to

approve the application following a site visit to ensure that the window on the side elevation of the property is non opening to 1.7m and obscurely glazed.

50. **THE CEDAR SCHOOL - 13/01140/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted and **delegated authority** be given to the Planning and Development Manager 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).

Phased redevelopment of existing school with replacement school building, associated access, parking and landscaping.

Mr Howells (Headteacher of the School) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that further changes may be required following negotiations with the applicant and that the recommendation should thus be to conditionally approve and delegate authority to the Planning and Development Manager to amend/add/delete conditions in the report.

The presenting officer reported that an objection had been received from Test Valley Council since the report had been published due to the potential for issues over the access for servicing - Condition 37 was added to try to resolve these concerns.

**RESOLVED**

- (i) that planning approval be granted subject to the conditions in the report; and
- (ii) that authority be delegated to the Planning and Development Manager to amend/add/delete the conditions listed in the report following further negotiations with the applicant.

51. **9 COLLEGE PLACE - 13/00968/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).

Change of use of existing ground floor office premises to a flexible permission for either Retail (A1) or Professional Service (A2) or Restaurant (A3) use and installation of new shopfront.

**RESOLVED** to grant planning permission subject to the conditions listed in the report.

52. **35 - 36 OXFORD STREET - 13/00922/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).

Change of use of basement to private members club (Sui Generis Use Class) and external alterations to front elevation.

Simon Foderingham (applicant) was present and with the consent of the Chair, addressed the meeting.

The Panel noted that the premises were within one of the City Centre Night Time Zones (as defined by policy CLT14 of the City of Southampton Local Plan Review 2006) under which policy a terminal hour for use was identified as midnight. However, the Panel agreed that the condition regarding Hours of Use be amended to allow operating hours to finish at 2.00am with the provision that there be an additional condition regarding the retention of a list of members available for inspection at any time.

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

#### Amended Condition

##### 03. APPROVAL CONDITION - Hours of Use - Performance Condition

Unless the Local Planning Authority agree otherwise in writing, the premises to which this permission relates shall not be open for business outside the hours specified below:-

10.00 am to 2.00 am Monday to Sunday including recognised Public Holidays.

##### REASON

To protect the amenities of the occupiers of nearby residential properties

#### Additional Conditions

##### 10. APPROVAL CONDITION – Register of Members – Performance Condition

Whilst the basement area remains operational as a private members club (sui generis use) a register of members shall be maintained and made available for inspection by the Local Planning Authority.

##### REASON

To ensure the club is operated and managed in the manner set out in the applicant's supporting statement in the interests of the amenities of local residents.

RECORDED VOTE: to grant planning permission (subject to the amended condition on Hours of Use extending the opening hours to a 2am finish).

FOR: Councillors Cunio, Harris, Lewsey, Lloyd and Norris

AGAINST: Councillors Blatchford and Claisse

#### 53. **REMOVAL OF TREES - LOWER TERMINUS TERRACE**

The Panel considered the report of the Head of City Services regarding the removal of two trees to enable the diversion of traffic during essential bridge maintenance works; a

minimum of two new trees to be planted in replacement, the species to be agreed with a Senior Tree Officer. (Copy of the report circulated with the agenda and appended to the signed minutes).

**RESOLVED**

- (i) To allow the removal of two trees to enable the diversion of traffic during essential bridge maintenance works; and
- (ii) That a minimum of two new trees be provided- the replacement tree size and specific planting location and layout to be agreed with a Senior Tree Officer.