

## PLANNING AND RIGHTS OF WAY PANEL

### MINUTES OF THE MEETING HELD ON 13TH APRIL 2010

Present: Councillors Fitzhenry (Chair), Jones (Vice Chair), Mrs Blatchford, Cunio, Davis, Norris and Osmond

#### **77. MINUTES OF PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)**

**RESOLVED** that the Minutes of the meeting held on 16<sup>th</sup> March 2010 be approved and signed as a correct record subject to the following amendment:-

Item 74 – 09.01377 468 480 Portswood Road Paragraph 3

– Delete second bullet point ‘Play Space’

#### **CONSIDERATION OF PLANNING APPLICATIONS**

Copy of all reports circulated with the agenda and appended to the signed minutes.

#### **78. 09/01305/FUL                      Headway Centre / Millbrook Clinic, Helvellyn Road / Cumbrian Way SO16 4AS**

Redevelopment of the site. Erection of 2-storey and 3-storey buildings to provide 12 flats (11 x 2-bedroom and 1 x 1-bedroom) and 4 x 3 bedroom houses with associated access, parking and landscaping, following demolition of the existing buildings. (As amended by plans received 15 March 2010).

The Panel noted that the officer recommendation had been amended by the removal of recommendation 2 on the published agenda together with the receipt of late objections from Fernside Close, comments from Southern Water and the planning policy update that there was no conflict with policy with regard to the loss of the community facility.

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE HEAD OF PLANNING AND SUSTAINABILITY TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE 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 HIGHWAY WORKS AND STRATEGIC TRANSPORT PROJECTS AND THAT THE UNDERTAKING SHALL ALSO SECURE A HIGHWAY CONDITION SURVEY, WAS CARRIED UNANIMOUSLY

**RESOLVED** that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to:-

- (i) the conditions in the report, the amended and additional conditions below; and
- (ii) the 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 highway works, strategic transport projects and the securing of a highway condition survey.

#### Amended Conditions

##### 6 - Hours of work for Demolition / Clearance / Construction

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays. Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the LPA.

In addition, deliveries of construction materials to the site and the removal of any waste materials from the site shall not take place during the following hours:-

Monday to Friday 08.00 hours and 09.30 Hours (8.00am to 9.30 am)

Monday to Friday 15.00 hours and 16.30 hours (3.00pm to 4.30pm)

and at no time on Saturdays, Sundays and public holidays to take account of the occupation and proximity of neighbouring residential properties.

#### REASON

To protect the amenities of the occupiers of existing nearby residential properties

#### Additional Conditions

##### 18 - Other details sought

Prior to works commencing on site, details of the following matters shall be submitted to and approved in writing by the Local Planning Authority and the development shall then be implemented in accordance with such drawings as subsequently approved in writing at 1:20 scale:

- a. details of the handrails, balustrade and under trays of all balconies;
- b. details of the roof junctions between the houses and the flatted block;
- c. details of all entrance canopies to flats and houses;
- d. details of refuse stores to all houses;
- e. details of the front boundary treatment to be provided to delineate the private and public areas of the site; and,
- f. the positions of rainwater goods and vents where these are on front or side elevations.

#### REASON:

To enable agreement of this detail at a scale which avoids doubt, in the interests of the visual amenities of the area.

#### 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. There is no policy objection to the loss of the Clinic which

has been provided elsewhere. 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 - CS3, CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 of the Core Strategy (January 2010); Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP16, SDP17, SDP21, SDP22, NE4, CLT2, CLT5, CLT6, REI6, H1, H2, H7, H9 and H12 of the City of Southampton Local Plan Review (March 2006).

**79. 10/00156/FUL McDonalds, Redbridge Road,**

Continued operation of McDonalds drive-through restaurant, not in accordance with permission 99/01046/ful. Variation sought to condition 15 to extend opening hours from 7.30am - 11pm (Mon - Sat), and 10am - 11pm (Sunday and Public Holidays) to 6am until midnight (00.00) every day of the week.

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

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Fitzhenry, Jones, Norris and Osmond

AGAINST: Councillors Cunio and Davis

**RESOLVED** that 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 residential character, impact on residential amenity in terms of noise, traffic and litter 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. The Local Planning Authority has also taken into account the lack of recorded complaints associated with the site operating the requested hours under the temporary one year consent ((08/01761/FUL). 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, SDP16 and REI7 of the City of Southampton Local Plan Review (March 2006). Policy CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

**80. 10/00060/FUL 171 Porchester Road**

Re-development of the site. Demolition of the existing house and erection of a part two-storey and part three-storey building to provide 17 flats (8 x one-bedroom, 4 x two-bedroom and 5 x three-bedroom) with associated access and parking (Amended to include revised layout and design)

Mr Sennitt (Applicant) 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 AMENDED OFFICER  
RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION  
SUBJECT TO THE APPLICANT ENTERING INTO AN AMENDED SECTION  
106 LEGAL AGREEMENT WAS LOST

RECORDED VOTE:

FOR: Nil

AGAINST: Councillors Mrs Blatchford, Cunio, Davis, Jones and Norris

ABSTAINED: Councillors Fitzhenry and Osmond

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

- (i) Overdevelopment / Out of Character  
The proposal represents an overdevelopment of the site, with a density and level of site coverage that is out of character and in excess of the guidelines provided for development in defined "medium" accessibility suburban residential areas such as this. Accordingly the development would be detrimental to the visual amenities of the area and harmful to its character, would fail to address reason for refusal 01 of the previous decision (reference 08/00086/FUL) and would be contrary to policies SDP1, SDP7, SDP9, H2 and H7 of the adopted City of Southampton Local Plan Review (March 2006) CS5 and CS13 of the Local Development Framework Core Strategy (January 2010) and the relevant sections of the Council's approved Residential Design Guide SPD (September 2006).
- (ii) Unacceptable Residential Environment for Future Occupiers  
As a consequence of a site overdevelopment the proposed layout would provide an unacceptable residential environment for future occupiers, with the provision of north facing single-aspect accommodation and amenity space which is not considered fit for purpose, by reason of its orientation, degree of shadowing, level of enclosure, and overlooking / loss of privacy from passing traffic, scale, massing and layout. The development proposal is thereby contrary to policies SDP1, SDP9 and H7 of the adopted City of Southampton Local Plan Review (March 2006) CS5, CS13 and CS16 of the Local Development Framework Core Strategy (January 2010) and the relevant sections of the Council's approved Residential Design Guide SPD (September 2006).
- (iii) Fails to secure S.106 provisions  
The proposals fail to satisfy the provisions of Policy CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010), policies in the Local Plan Review (March 2006) and the provisions of the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-
  - (a) Provision of affordable housing as such the development is contrary to Policy H9 of the City of Southampton Local Plan Review - Adopted Version March 2006 and Policies CS15, CS16

and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).

- (b) Measures to satisfy the public open space (Sports Pitch Contributions) requirements of the development. As such the development is contrary to Policy CLT5 of the City of Southampton Local Plan Review (March 2006) and policies CS21 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- (c) Measures to satisfy the children's play space requirements of the development. As such the development is contrary to Policy CLT6 of the City of Southampton Local Plan Review (March 2006) and policies CS21 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- (d) Measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site, including the making of a Traffic Regulation Order, to control parking on the eastern side of Station Road, by the junction with Porchester Road. This would be contrary to policy SDP1 and SDP2 of the City of Southampton Local Plan Review (March 2006) and policies CS18, CS19 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- (e) Measures to support strategic transportation initiatives.
- (f) 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; and
- (h) Measures to secure off site tree provision in the event that 2:1 tree replacement cannot be achieved on site. As such the development would be contrary to paragraph 4.8.8 of the Residential Design Guide SPD (September 2006).
- (i) The dedication of land within the application site to provide sight lines at the junction of Porchester Road and Station Road. As such the development is contrary to policy SDP1, SDP4 and TI2 of the City of Southampton Local Plan Review (March 2006).

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

**81. 10/00119/FUL**

**Land to the rear of Sheridan Close**

Re-development of the site, including demolition of existing garages. Erection of 9 dwellings as part of a second phase (comprising 3 x 2-bed, 5 x 3-bed, 1 x 4-bed) within 2 x two-storey terraces and 3 single-storey detached buildings. All served with parking, ancillary storage and landscaping. Proposal includes stopping up and diversion of a public footpath - Description amended after validation following deletion of Plot 8

The Panel noted the removal of the planning policy objection resulting from the deletion of plot 8 from the scheme.

Mr Reay (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 RECEIPT OF AN UNDERTAKING FROM THE HEAD OF PROPERTY AND PROCUREMENT CONFIRMING THAT THE CONTRACT OF SALE WILL INCLUDE A REQUIREMENT TO ENTER INTO SECTION 106 AGREEMENT PRIOR TO COMPLETION OF THE LAND TRANSFER

**RESOLVED**

- (i) that authority be delegated to the Head of Planning and Sustainability to make a footpath diversion order under Section 257 of the Planning Act to enable the development to proceed; and
- (ii) 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) subject to the receipt of an undertaking from the Head of Property and Procurement confirming that the contract of sale will include a requirement for the purchaser to enter into a S.106 Legal Agreement prior to completion of the land transfer to secure:
    - 1 provision of 100% affordable housing in accordance with Policies CS15 and CS25 of the adopted LDF Core Strategy (2010);
    - 2 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 adopted SPG relating to Planning Obligations (August 2005 as amended);
    - 3 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;
    - 4 financial contributions towards the relevant elements of public open space required by the development in line with polices

CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

- Amenity Open Space (“open space”)
  - Play Space
  - Playing Field;
- 5 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; and
- 6 prior to the commencement of development the applicants shall submit details of when and how the retained open space (following removal of Plot 8) shall be laid out and maintained. The approved details shall be implemented in accordance with the agreed details.

#### Amended Conditions

##### 15 - Foul Sewerage and Surface Water Drainage

Following the receipt of Southern Water’s consultation response dated 18<sup>th</sup> March 2010, no development (excluding the demolition phase) shall take place until further details of how the proposed development will accommodate the existing foul sewerage and surface water drainage apparatus have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The submission shall also include details of the proposed means of foul sewerage and surface water disposal. Development shall be implemented in accordance with the agreed details.

##### REASON:

In the interests of securing appropriate sewerage and drainage infrastructure to serve the development.

##### 21 - Parking

The parking spaces shown on the approved site plan (as amended), including those 9 spaces identified for communal use, shall be marked out and made available prior to the first occupation of the development hereby approved. No more than 1 space per dwelling shall be allocated to each dwelling for use by its occupants and their visitors. Unless otherwise agreed in writing by the Local Planning Authority these spaces shall be retained for their intended purpose, as detailed within the submission, during the lifetime of the development.

##### REASON:

In the interests of highways safety and to ensure that the development is correctly served by on-site car parking and that the communal spaces are available for the wider community as proposed.

#### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The use of this site for affordable housing accords with local and national planning policy. Whilst the loss of this

informal open space represents a departure from the current Development Plan provisions it is justified in this instance as the scheme provides wholly affordable accommodation, the space itself has low amenity value and due to its topography is not fit for purpose, Sport England have not raised an objection to its loss and the applicants are mitigating against its loss with an enhanced off-site contribution towards existing open space at Hinkler Green. Although the proposed density is below the targets set by the LDF Core Strategy the proposed layout and design is considered fit for this context. The third party objections to the proposals relate to parking and a loss of amenity, both of which have been considered amongst other material considerations and which 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, SDP10, SDP11, SDP12, SDP13, H1, H2, H7, CLT4 and CLT6 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS15, CS16, CS19, CS20, CS21, CS22 and CS25 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS3 (Housing), PPG13 (Transport) and PPG17 (Open Space) are also relevant to the determination of this planning application.