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PLANNING AND RIGHTS OF WAY PANEL (EAST)  
MINUTES OF THE MEETING HELD ON 15 SEPTEMBER 2015

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Present: Councillors Hecks, Tucker (Vice-Chair), Coombs, Wilkinson and Mintoff

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

The Committee noted that apologies had been received from the Chair, Councillor Denness.

It was noted that following receipt of the temporary resignation of Councillor Denness from the Panel, the Head of Legal and Democratic Services, acting under delegated powers, had appointed Councillor Mintoff to replace him for the purposes of this Meeting.

**COUNCILLOR TUCKER IN THE CHAIR**

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

**RESOLVED** that the Minutes of the Meeting held on 4 August 2015 be approved and signed as a correct record subject to the following amendment:-

Minute No 12 – Vacant Site at Test Lane, 14/01911/FUL, Page 12 – third paragraph, first line should read “Mr Campbell (representing **Redbridge** Residents Association/objecting)...”.

20. **BITTERNE PARK SECONDARY SCHOOL, 15/01349/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.

Partial redevelopment of the school site, including demolition of some existing buildings, erection of a new 3-4 storey teaching building and single-storey activities hall, and laying out of reconfigured playing field space together with landscape and access works (new main school entrance to be from Dimond Road).

Mr Woodhouse (Local Resident/objecting), Mrs Trigger (Headteacher, Bitterne Park Secondary School/supporting) and Councillor Jeffery (Cabinet Member for Education and Children’s Social Care/supporting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that:-

- (i) an amendment had been made to Recommendation 1 and that additional requirements (ix) and (x) had been added to the Internal Undertaking;
- (ii) two additional conditions had been added to the report;

- (iii) paragraph 5.30 – SCC Flood Risk Management, third line should read “However, as maintenance requirements have yet to be established... (should have added) “apply sustainable drainage condition”. Sustainable Drainage requirements are already covered by condition 30; and
- (iv) SCC Tree Team - Although the updated tree information provided since the delegated report was written has resolved a few of the issues there are still concerns regarding the level and quality of the tree information provided in particular the removal of A2 category trees. The Tree Team are open to further discussions to improve the situation – improvements can be in the longer term. Recommended conditions must remain.

## **RESOLVED**

- (i) that authority be delegated to the Planning and Development Manager to grant planning permission subject to the conditions listed in the report and the additional and amended conditions set out below; and
- (ii) the Council receiving no direction to call in the scheme from the National Planning Casework Unit in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 following objection from Sport England;
- (iii) the completion of an Internal Undertaking to secure the requirements listed in the report and the two additional requirements detailed below:
  - Construction Traffic Management Plan.
  - Lorry Routing Agreement; and
- (iv) the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Internal Undertaking Agreement and/or conditions as necessary.

### **Amended Conditions**

#### **3 APPROVAL CONDITION – Use Restriction (Performance Condition)**

Amend as follows:

“.....provisions of the Town and Country Planning (General Permitted Development) Order **2015** (as amended)....”

#### **7 – APPROVAL CONDITION – Construction Plan (Performance Condition)**

Amend condition to ensure that times of the deliveries relating to the construction traffic are submitted to and agreed in writing by the local planning authority prior to the commencement of the development.

Reason : To avoid congestion, reduce conflicts at the start and end of the school day and safeguard public safety in the local neighbourhood.

### **Additional Conditions**

#### **36. APPROVAL CONDITION – Aerodrome Hazard Management (Performance Condition)**

The hereby approved development will be carried out and occupied in accordance with the Bird Management Hazard Plan dated 23/07/2015. No individual tree, shrubs or stands of trees planted as part of the landscaping scheme shall be permitted to grow above a height of 36m AOD.

Reason:

To safeguard the nearby aerodrome.

### 37. APPROVAL CONDITION – Phasing Plan (Performance Condition)

The hereby approved development will be carried out in accordance with the “Overall Programme of Works” as set out in the submitted Construction Management Programme.

Reason:

To ensure that the site can be continually used for education purposes.

### 21. **488-496 PORTSMOUTH ROAD, 15/01158/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.

Re-development of the site. Demolition of the existing buildings and erection of two-storey buildings to provide 20 dwellings (two x two-bedroom, eight x three-bedroom houses and 10 x four-bedroom houses) with associated access, parking and other facilities).

Mr Churcher (Local Resident/objecting), Mr Puplampu (Architect/supporting) and Councillor Jeffery (Ward Councillor/supporting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that:-

- (i) the description of development was amended to omit reference to three-storey buildings;
- (ii) a response had been received from the Tree Team raising no objections subject to additional conditions; and
- (iii) there was an amendment in the report in respect of the previous use of the site which was storage and distribution (use class B8) rather than general industrial.

The Panel voted to require an alternative approach to the external materials to replace the tile-hanging sections. The external materials would be considered at a subsequent Panel Meeting.

### **RESOLVED**

- (i) that authority be delegated to the Planning and Development Manager to grant planning permission subject to the completion of a Section 106 Legal Agreement, the conditions listed in the report and the amended and additional conditions set out below;

- (ii) that in the event that the Legal Agreement is not completed within two months of the date of this decision, the Planning and Development Manager be authorised to refuse permission on the grounds of failure to secure the provisions of the Section 106 Legal Agreement; and
- (iii) that the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Section 106 Legal Agreement and/or conditions as necessary.

### Amended Conditions

#### 05 – APPROVAL CONDITION - Landscaping

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved in writing by the Local Planning Authority, which includes:

- (i) proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- (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 where appropriate;
- (iii) an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- (iv) details of any proposed boundary treatment **including 1.8 metre fencing to the western side boundary with neighbouring residential gardens, 1.8 metre brick wall to the boundary with the rear garden of 498 Portsmouth Road and boundary treatment of no more than 0.6 metres height adjacent to the entrance to the site** and;
- (v) a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

#### 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

#### 07 – APPROVAL CONDITION - Permitted Development Restriction

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 building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,  
Class B (roof extensions),

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

#### 18 – APPROVAL CONDITION – Archaeology

No development shall take place until Written Scheme of Investigation and programme of archaeological work for the evaluation of the site has been submitted to and approved in writing by the local planning authority. The programme of archaeological works shall be implemented and subsequently completed in accordance with the agreed Written Scheme of Investigation.

If, as the result of the archaeological evaluation, it becomes clear that the development will result in the loss or destruction of archaeological remains it will be necessary to commission a further stage of archaeological works. While the nature and extent of these works cannot at this stage be predicted, no further works comprising development shall take place on site before a Written Scheme of Investigation together with a programme of further archaeological work has been submitted to and agreed in writing by the Local Planning Authority and implemented by the developer. The programme for further archaeological works shall be implemented and completed in accordance with the Written Scheme of Investigation for the previously unidentified features.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results has been secured. This Condition will not be fully discharged until the archive generated by the archaeological works had been deposited and accepted by Southampton Museums Service.

Reason: To ensure that the necessary archaeological investigations are secured and completed.

Delete conditions 19, 20 and 21.

#### Additional Condition

#### 22 – APPROVAL CONDITION - Updated Tree Survey and Method Statement

Prior to the commencement of any development, including site clearance and demolition, a revised arboricultural survey and method statement, to reflect the

amended scheme hereby approved, shall be submitted to the Local Planning Authority for approval in writing. The development shall thereafter proceed in accordance with the agreed details.

Reason: To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

22. **47 ELMSLEIGH GARDENS, 15/01501/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.

Erection of a two-storey rear extension and conversion of garage to a study.

Mr Richmond (Local Resident/objecting) and Mr Sunder (Applicant) were present and with the consent of the Chair, addressed the meeting.

The officer recommendation to conditionally approve planning permission was not carried.

**RESOLVED** that planning permission be refused for the reason set out below.

REASON FOR REFUSAL - Impact on Residential Amenity

The proposed two storey extension would, by virtue of the excessive scale and bulk of the first floor level built so close to the common boundary, have an overbearing and un-neighbourly relationship with the adjoining property at no.45a Elmsleigh Gardens resulting in an increased sense of enclosure for the occupiers of this neighbouring residential dwelling. Specifically, this is by virtue of:

- (a) The failure to retain an appropriate separation distance between the proposed two storey extension and a habitable room window and door within the side elevation of the neighbouring property (as outlined in paragraph 2.2.7 of the adopted Residential Design Guide (September 2006)) resulting in an increased sense of enclosure for the kitchen / dining area of the neighbouring property at no.45a Elmsleigh Gardens.
- (b) The excessive scale of the proposed two storey extension combined with its proximity to the common boundary and its siting at a higher level given changing land levels on site resulting in an increased sense of enclosure for the existing study at the neighbouring property of 45a Elmsleigh Gardens.

This proposal is therefore, considered to have an unacceptable impact in terms of residential amenity and is contrary to policies SDP1(i) of the adopted City of Southampton Local Plan Review Adopted Version 2nd Revision (March 2015) as supported by paragraph 2.2.1 and 2.2.7 of the adopted Residential Design Guide (September 2006).

23. **63 WILTON AVENUE, 15/01393/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.

Erection of a single storey rear extension to create one x studio flat with associated bin and cycle storage.

Mrs Barratt, Mrs Gara and Mrs Barter (Local Residents/objecting) were present and the consent of the Chair, addressed the meeting.

The presenting officer reported at the commencement of the meeting that :-

- (i) an amended elevation plan (ref.63WA/15/004 REV.C) was received on the 10<sup>th</sup> September 2015. This plan was included in the panel presentation;
- (ii) paragraph 6.2.2 of the report was incorrect. This stated that the proposal would establish two additional dwellings on site resulting in a site density of 172 dph. This was incorrect as the proposal would establish one additional dwelling on site resulting in a site density of 128 dph; and
- (iii) condition 8 relating to landscaping had been amended to take out a reference to car parking as this was not relevant to the scheme. The condition is detailed below.

Amended Condition

**8 APPROVAL CONDITION - Landscaping [pre-commencement condition]**

Prior to the commencement of the development hereby approved, a landscaping scheme any implementation timetable shall be submitted to and approved by the Local Planning Authority in writing. The scheme shall include details of the planting; details of trees to be retained and details of the boundary treatment to the garden area of the flat hereby approved. The approved hard and soft landscaping scheme for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of five years from the date of planting shall be replaced by the Developer in the next planting season with other of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of five years from the date of planting.

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.

The officer recommendation to conditionally approve planning permission was not carried.

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

#### Reasons for Refusal

##### REASON FOR REFUSAL: Overdevelopment

The subdivision of the plot to establish an additional dwelling within the rear garden is considered to represent an over-intensive use of the site which would fail to establish an attractive or acceptable residential environment for existing and future occupiers. Specifically, this is by virtue of: a) the provision of a cramped residential environment given the limited size of the proposed studio unit; and b) the provision of an insufficient amount of usable amenity space for occupiers of both the proposed studio unit and the existing units on site. As such this proposal is contrary to policies SDP1 (i), (as supported by paragraphs 2.2.1, 2.3.12, 2.3.13, 2.3.14, 4.4.1, 4.4.2, 4.4.3 and 4.4.4 of the adopted Residential Design Guide Supplementary Planning Document (September 2006)), SDP7 (iv), (v) and SDP9 (i), (v) of the adopted Amended Local Plan Review (March 2015) and Policy CS13 of the adopted Core Strategy Partial Review (March 2015).

##### REASON FOR REFUSAL: Residential Amenity

The proposed site layout would, due to its cramped and contrived arrangement, be harmful to the level of privacy currently enjoyed by the residential occupiers of the existing ground floor flat. Specifically, this is by virtue of the impact of additional pedestrian movements immediately adjacent to habitable room windows serving the bedroom and living room of the existing ground floor unit. This would set a harmful precedent for similar residential intensification which is likely to be detrimental to the residential amenities of the occupiers of existing properties.

This proposal is therefore, contrary to saved policy SDP1(i) of the adopted Amended Local Plan Review (March 2015); policy CS13 of the adopted Core Strategy Partial Review (March 2015); and paragraph 2.2.1 of the adopted Residential Design Guide SPD (September 2006).

#### 24. **48 SOUTH MILL ROAD, 15/01550/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.

Erection of a single/two storey side extension and front porch

Ms Flynn on behalf of Mr Pledger and Mr Carey (Local Residents/objecting) and Mr and Mrs Carstairs (Applicants) were present and with the consent of the Chair, addressed the meeting.



At the start of the meeting, a written deputation from the applicant was circulated to the Planning Panel, relevant officers and other deputees present for the item.

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

RECORDED VOTE to grant planning permission.

FOR: Councillors Tucker, Hecks, Coombs and Wilkinson

ABSTAIN: Councillor Mintoff