
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 20 JULY 2010

Present: Fitzhenry (Chair), Jones (Vice-Chair), Letts (Except Agenda Items 1-8 and 15), Mead, Osmond, Slade (Except Agenda Items 11 - 15) and Thomas

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

RESOLVED that the Minutes of the meeting held on 22nd June 2010 be approved and signed as a correct record.

17. **CONSIDERATION OF PLANNING APPLICATIONS**

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

18. **195 - 207 COXFORD ROAD, SOUTHAMPTON, SO16 5JY**

Re-development of the site. Erection of three buildings of 3, 4 and 5-storeys to provide 65 flats (22 x one-bedroom and 43 x two-bedroom) with associated access and parking.

Mr Dunne (Applicant) was 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 A SECTION 106 LEGAL AGREEMENT WAS CARRIED

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones and Osmond

AGAINST: Councillors Mead and Slade

ABSTAINED: Councillor Thomas

RESOLVED

- (i) 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 set out below;
 - b. the applicant entering into a Section 106 Legal Agreement to secure:
 - 1. the developer submitting a scheme of works for highway improvements in the vicinity of the site to be undertaken by the developer under a s278 agreement 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);
 - 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. financial contributions towards the relevant elements of public open space required by the development in line with policies 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;
 4. 14 units of Affordable Housing to be provided on site plus a financial contribution equivalent to 2 units subject to completion of Block A within 24 months of the date of this consent or 23 units of Affordable Housing to be provided on site should Block A not be completed within 24 months of the date of this consent in accordance with Policy CS15;
 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.
 6. the provision of Public Art
 7. residents of the development not to be eligible for parking permits.
 8. the developer entering into an Employment and Training Management Plan;
 9. Block B to be constructed to ‘shell and core finish’ within 2 years of the date of permission and Block C to be completed to shell and core finish within 3 years of the date of permission; and
- (ii) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 26th July 2010, on the grounds of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions:

4 - Code for Sustainable Homes

Written documentary evidence demonstrating that Block A on the development will achieve a minimum level 3 standard in the Code for Sustainable Homes and Blocks B and C on the development will achieve a minimum level 2 standard in the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and verified in writing for each unit prior to its first occupation.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006) as supported by Core Strategy Policy CS20.

5 – Renewable Energy - Micro-Renewables

An assessment of the development’s total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [of at least 15%] must be conducted. Plans for the incorporation of

renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [by at least 15%] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding the demolition phase) hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below and other material considerations such as the viability of the development, the extant planning consent which has already been commenced and the requirements of the s106 agreement which requires delivery of the scheme within 36 months of the date of the permission. These material considerations outweigh the need for the development to fully comply with the Core Strategy requirements with regard to sustainability and housing mix. Material planning considerations such as the level of car parking, provision of amenity space and the impact of the development on nearby residents do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning permission should therefore be granted.

19. **50-52 BEVOIS VALLEY ROAD, SOUTHAMPTON**

Demolition of part of the two storey building and the rear warehouse building. Erection of a new two storey building and conversion of existing first floor to provide a total of 13 studio flats for students (Outline application seeking approval for access, layout, appearance and scale at this stage) with change of use of the ground floor to a shop, restaurant or hot food take-away (Class A1, A3 or A5) with replacement roller shutter - Description amended following validation to include shutter.

Mr Wiles (Agent) 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 APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY

RESOLVED

- (i) 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 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 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);
 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. financial contributions towards the relevant elements of public open space required by the development in line with policies 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”)
 - Playing Field;
 4. in lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the studio flats;
 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;
 6. parking permits for the nearby resident parking zones shall not be granted to occupiers of this car free scheme; and
- (ii) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 3rd August 2010 on the grounds of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

16 - Code for Sustainable Homes/ BREEAM Standards

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes or at minimum a rating of Very Good against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified Code for Sustainable Homes certification body or qualified BREEAM certification body.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

17 – Renewable Energy - Micro-Renewables

An assessment of the development’s total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in

CO₂ emissions [of at least 20%] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO₂ emissions of the development [by at least 20%] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding the demolition phase) hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed mixed-use development maximises the use of this previously developed land with an attractively designed building that requires the demolition of the existing warehouse building. In visual terms, the proposals will bring improvements to the streetscene, and the additional residential accommodation will provide vitality to the Local Centre. As the application is for student accommodation, exceptions in the Council's planning standards and guidance relating to affordable housing, family housing, residential mix and on-site external amenity space, are considered appropriate to secure the delivery of the proposal and meet an identified need. The S106 Legal Agreement will include an occupancy restriction which is necessary to make the scheme compliant with the current development plan. 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.

"Saved" Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, H1, H2, H7, H13 and REI6 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 and CS25 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010), PPG13 (Transport) and PPG24 (Planning and Noise) are also relevant to the determination of this planning application.

20. **16 BASSETT HEATH AVENUE, SOUTHAMPTON - 10/00059/FUL**

Conversion of existing house in multiple occupation (HMO) for 8 people into 7 x 1-bed flats with associated parking and cycle/refuse storage (submitted in conjunction with 10/00061/FUL)

Mr Reay (Luken Beck Ltd on behalf of Dr and Mrs Moussa), Miss Afshar and Mr Garvey (Local Residents), Councillors Harris and Samuels (Ward Councillors) 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, Slade and Thomas

AGAINST: Councillors Fitzhenry and Mead

ABSTAINED: Councillor Osmond

RESOLVED that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to the conditions in the report and the additional conditions below.

Additional Conditions

8 - Hours of work for Demolition / Clearance / Construction

All works, including internal works, relating to the creation of the flats 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.

REASON:

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

9 - Landscaping detailed plan

Before first occupation of the approved flats a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

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 scheme shall be carried out prior to occupation of the flats or during the first planting season following the full completion of the internal 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.

10 - Glazing panel specification

The windows in the first floor side elevation of flat 7 hereby approved to the rooms indicated as a kitchen and to Flat 5 as a bedroom shall be glazed in obscure glass and shall only have a top light opening. The window as specified shall be installed before the flats are first occupied and shall be permanently maintained in that form.

REASON:

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

11- Time period for completion of the building works

The development shall be fully completed and all building materials shall be removed from the site within three years of the date of this consent.

REASON:

In the interests of the amenities of the adjoining occupiers and the character of the surrounding area.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development provides amenity space, car parking, refuse and cycle storage to the standards required by adopted policies and the Residential Design Guide. The property is currently a HMO for 8 persons and is therefore not a C3 or C4 dwelling house but a Sui Generis Use. The proposals do not therefore result in the loss of a family dwelling. The level of occupation is unlikely to be higher than currently exists and therefore levels of activity and potential disturbance are not considered to compromise the existing level of amenity enjoyed by surrounding occupiers. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, Planning Permission should therefore be granted. "Saved" Policies – SDP1, SDP5, SDP7, SDP9, H1, and H7, of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16 and CS19, and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010), PPG13 (Transport) and PPG24 (Planning & Noise) are also relevant to the determination of this planning application.

21. LAND REAR OF 16 BASSETT HEATH AVENUE, SOUTHAMPTON.

Erection of a 3-bed bungalow with associated parking and refuse/cycle storage

Mr Reay (Luken Beck Ltd on behalf of Dr and Mrs Moussa), Miss Afshar and Mr Garvey (Local Residents), Councillors Harris and Samuels (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 WAS CARRIED UNANIMOUSLY

RESOLVED that conditional planning permission be refused for the reasons set out in the report and the additional reasons below.

Reasons for Refusal

- (i) The use of the building as a dwellinghouse is an unneighbourly form of development causing a loss of amenity and privacy for the residents of the adjoining properties by reason of disturbance from the increased residential activity associated with it in the rear garden of 16 Bassett Heath Avenue contrary to Policies SDP1 and H7 of the City of Southampton Local Plan Review 2006.
- (ii) The proposal, due to the excessive carry distance from the property to the refuse store, fails to provide convenient refuse facilities to serve the development contrary to Section 9.3 of the Residential Design Guide.
- (iii) The proposal, given the internal layout of the building appears to allow for a 4 bedroom bungalow to be provided, provides car parking to serve a family sized unit at half the maximum standard allowed for a low accessibility area. As such the proposal could result in additional on-road parking which would be harmful to the open character and appearance of the roads in this area.
- (iv) The proposal fails to provide an adequate living environment for future occupiers due to the siting of the existing building in immediate proximity to the site boundaries. Consequently, the habitable rooms of the house would not have reasonable levels of natural light and outlook contrary to paragraph 2.2.1 of the Residential Design Guide 2006.
- (v) The proposal fails to demonstrate how energy efficiency would be improved and whether or not renewable energy will be able to be incorporated in the development. In the absence of such details which should include measures for Water Conservation and the use of Micro-Renewables the proposal is contrary to Policy CS20 of the Core Strategy 2010.

22. **OASIS ACADEMY, THE GROVE, SOUTHAMPTON**

Re-development of the site to provide a new 3-storey school building, a floodlit multi use games area with new vehicular access from Ashley Crescent and associated car parking and repositioning of sub-station

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 COMPLETION OF A UNILATERAL UNDERTAKING WAS CARRIED UNANIMOUSLY

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

- (i) the completion of a Unilateral Undertaking to secure an agreed series of site specific transport works under S.278 of the Highways Act in accordance with 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);

- (ii) any further planning conditions recommended by the Environment Agency and British Airports Authority on receipt of their consultation response; and
- (iii) the conditions in the report and the amended and additional conditions below.

Amended Conditions

01 - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than five years from the date on which this planning permission was granted.

REASON:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02 - Details of building materials to be used

Notwithstanding the details shown on the approved drawings no works shall commence on the construction of the external elevations of the buildings hereby approved until a schedule of materials and finishes (including full details of the manufacturers, types and colours of the external materials) to be used for external walls, windows and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority.

REASON:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

03 - Hours of work for Demolition / 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.

REASON:

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

04 - Wheel Cleaning Facilities

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

REASON:

In the interests of highway safety.

05 -Sustainability statement implementation

Prior to the first occupation of the development hereby approved, the submitted sustainability measures shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To minimise overall demand for resources

06 - BREEAM Standards

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Very Good against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the Local Planning Authority. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

REASON:

To ensure the development minimises its overall demand for resources

07 - Renewable Energy

Prior to the commencement of development a complete description of the renewable energy systems to be incorporated within the development shall be submitted to and agreed in writing by the Local Planning Authority. The information should include the full specification of the photo voltaic cells which shall achieve the agreed target of 15% reduced carbon dioxide emissions as detailed in Core Strategy Policy CS20.

REASON:

To reduce the impact of the development on climate change and finite energy resources

08 - Use of uncontaminated soils and fill

Only clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

REASON:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

09 - Unsuspected Contamination

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out in the area where potential contamination has been encountered unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning

Authority. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

REASON:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment

10 - Floodlight System

Prior to the installation of the floodlights for the MUGA, as specified in the submitted lighting assessment (Report P226 – 1620 –E1 R1) and accompanying drawing (Report P226 – 1620 –E1 R1) a written scheme providing details of how the scheme achieves compliance with table 1 “Obtrusive Light Limitations for Exterior Lighting Installations”, by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005, shall be submitted to and approved by the local planning authority. The details shall include details of an automatic cut off switch - sensitive to British summertime variations - that will control the floodlights. The installation must be maintained in accordance with the agreed written scheme. Within one month of the floodlighting being installed, the developer shall submit a report to the local planning authority, from a competent lighting engineer, to verify that the predicted lux intensity figures and the limited light spillage contours shown on Holophone Report P226 – 1620 –E1 R1 (or any subsequent alternative report agreed in writing with the local planning authority), have been met. The developer shall if necessary arrange to adjust the rotation and inclination of each luminaire, such that the predicted figures are then met. Once installed, or adjusted as necessary, the luminaires shall be maintained and fixed in that position at all times.

REASON:

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

11 - Floodlight illumination restriction

The floodlit Multi Use Games Area hereby approved shall not be used after 22:00 on Weekdays and 20:00 on Saturdays, Sundays and Public Holidays.

REASON:

To safeguard the amenity of nearby residential properties from light spillage, light glow, and activity generated noise, having regard to the advice of Planning Policy Guidance Note No. 24 (Planning and noise).

12 - No amplified system

There shall be no installation or use of a personal address system or tannoy equipment or other sound amplification machinery for external broadcast outside of the college building at any time unless agreed in writing by the Local Planning Authority for temporary, seasonal, or permanent use.

REASON:

To protect the residential amenities of adjacent residents.

13 - Construction method statement

Before development commences a statement setting out the management of construction operations shall be submitted to and approved by the Local Planning Authority. The statement shall include detailed plans specifying the areas to be used for contractor's vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted.

REASON:

To protect the amenities of neighbours and the wider environment, to ensure adequate access and servicing (including a refuse cart) can be maintained to the existing adjacent housing and ensure that no undue associated congestion occurs on the surrounding roads.

14 - Hours of construction

No deliveries of construction materials or equipment or removal of demolition materials shall take place between the following times Mondays to Fridays - 08.30 to 09.15 hours and 14.30 to 15.30 hours. The statement shall set out the means by which the construction operations shall be managed to conform to these requirements and the arrangements for complaints about the construction operation to be received, recorded and resolved. The development shall be implemented in accordance with the agreed statement.

REASON:

To protect the amenities of neighbours and the wider environment, to ensure adequate access and servicing (including a refuse cart) can be maintained to the existing adjacent housing and ensure that no undue associated congestion occurs on the surrounding roads.

15 - Demolition Phasing

With the exception of the sports hall, the existing school buildings shall be demolished and all resultant materials shall be removed from the site in accordance with a phasing programme to be agreed in writing with the local planning authority before the development commences.

REASON:

To secure a satisfactory comprehensive form of development and to safeguard the visual amenity of the locality.

16 - Construction access

The new access to the site from Ashley Crescent shall be provided and made available for use before construction of the new school building commences. With the exception of traffic relating to the demolition phase of development, construction traffic shall enter and leave the site via Ashley Crescent only.

REASON:

In the interests of highway safety and to protect the residential amenities of those living close by.

17 - Access Details

No development hereby permitted shall be commenced until the Local Planning Authority has approved in writing:-

- (i) A specification for the type of construction proposed for the new access roads including all relevant horizontal cross-sections and longitudinal sections - especially of the proposed speed reduction tables - showing existing and proposed levels together with details of street lighting and the method of disposing of surface water.
- (ii) A programme for the making up of the roads and footpaths.

REASON:

To ensure the access is constructed to a satisfactory standard.

18 - Use of Access

The access shall be upgraded and made available for use in accordance with the agreed details prior to the new school building coming into use and thereafter retained as approved. With the exception of emergency service vehicles, the new access from Ashley Crescent shall be the only point of entry for vehicles to the site.

REASON:

In the interests of highway safety and the amenities of the neighbouring residential occupiers

19 - Foul and surface water disposal

Prior to the commencement of the development hereby approved, details of the means of foul sewerage disposal and surface water disposal shall be submitted to the Local Planning Authority for agreement in writing. The development shall proceed in accordance with the agreed details.

REASON:

To secure a satisfactory form of development

20 - CCTV system

Before the new academy building is first occupied details of a scheme for a CCTV system to comprehensively cover the site including all public entry points, servicing spur, car park, MUGA and all-weather pitch, shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be installed and operational prior to the first occupation of the approved buildings first commencing and shall thereafter be maintained in working order.

REASON:

In the interests of crime reduction and customer/staff safety.

21 - External Lighting

The external lighting shall be provided in accordance with the details hereby approved prior to the first occupation of each phase of the development. The lighting shall be thereafter retained as approved.

REASON:

In the interests of crime prevention

22 - Tree Retention and Safeguarding

All trees to be retained, as identified in the Marishall Thompson Arboricultural Report Reference D3103101523 and on the approved planning drawings, shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations in accordance . No operation in connection with the development hereby permitted, other than the formation of the construction access on the site of 152 Portsmouth Road, shall commence on site until the tree protection as set out in Arboricultural Report Reference D3103101523 has been erected.

REASON:

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

23 - Arboricultural Method Statement

The Arboricultural Method Statement set out at Section 7 of the Marishall Thompson Arboricultural Report reference D3103101523 shall be adhered to throughout the duration of the demolition and development works on site.

REASON:

To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

24 - Arboricultural Protection Measures

No works or development, other than the formation and construction of the Ashley Crescent construction access, shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction and personnel awareness of arboricultural matters;
- Identification of individual responsibilities and key personnel
- Statement of delegated powers;
- Timing and methods of site visiting and record keeping, including updates;
- Procedures for dealing with variations and incidents.

REASON:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2005, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

25 - Ecology Mitigation Statement

Prior to development commencing, other than the formation and construction of the Ashley Crescent construction access but including site clearance of the main Academy

site, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the ecology report submitted with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the submitted programme.

REASON:

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

26 - Protection of nesting birds

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON:

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

27 - Acoustic Barrier to MUGA

Before the Multi Use Games Area first comes into use, an acoustic barrier to the MUGA shall be constructed in accordance with a scheme to be submitted to and approved by the Local Planning Authority in writing. The barrier shall thereafter be retained as approved.

REASON:

In the interests of the amenities of the occupiers of the nearby residential properties.

28 - Secured by Design

Unless otherwise agreed in writing by the Local Planning Authority, the glazed roof lights and access hatches should be certified to LPS1175.

REASON:

To reduce opportunities for crime and anti-social behaviour

29 - No other points of access

No points of access to the site other than those hereby approved shall be formed unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of the amenities of the neighbouring residential occupiers and in the interests of crime prevention.

30 - Details of External Sports Store

The external sports store shall be provided in accordance with a scheme to be submitted and approved by the Local Planning Authority prior to the first use of the Multi Use Games Area.

REASON:

To minimise opportunities for crime and anti-social behaviour

31 - Assessment of Playing Pitch Quality

Before works on the playing pitches commences, a scheme shall be submitted to and approved by the Local Planning Authority to demonstrate that the playing fields can be provided to an acceptable quality. The scheme shall include an assessment of the ground conditions of the land proposed for the sports facility (including drainage and topography) which identify the constraints which could affect playing field quality. The development shall proceed in accordance with the agreed details.

REASON:

To ensure that the playing pitches are provided to an acceptable quality

32 - Playing Pitch Provision

The playing pitches shall be provided in accordance with a phasing plan to be submitted and agreed by the Local Planning Authority prior to development works, other than the formation of the construction access on the site of 152 Portsmouth Road commencing. The sports pitches shall be laid out in accordance with section 6.56 of the Design and Access Statement submitted the application and will remain in use thereafter.

REASON:

To ensure that the appropriate number and type of pitches are provided

33 - Details of Community Use

Prior to the first occupation of the development hereby approved, a report setting out expected community use of the new indoor and outdoor facilities shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

REASON:

To ensure well-managed, safe community access to the sports facility

34 - Landscaping detailed plan

Notwithstanding the details already submitted, a landscaping scheme 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, in accordance with details to be submitted to and agreed by the Local Planning Authority in writing. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

The details shall include a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis

unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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.

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.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan. Other material considerations do not have sufficient weight to justify a refusal of the application. Whilst the application includes an area of land allocated for industrial purposes, the majority of the site would be retained for industrial purposes and the application would not compromise the site's ability to provide an industrial use. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted having taken account of the following planning policies:

"Saved" Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, and REI10 (i) of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS11, CS13, CS19, CS20 and CS25 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPG13 (Transport) and PPG24 (Planning and Noise) are also relevant to the determination of this planning application.

23. LAND TO THE REAR OF THE DUCHESS OF WELLINGTON, WOLSELEY ROAD, SOUTHAMPTON

Erection of two, two bedroom semi-detached dwellings with associated cycle storage on land to the rear of 4 Wolseley Road

Mr Oldfield (Architect) and Mr Netherwood (Landlord) were present and with the consent of the Chair, addressed the meeting.

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

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

Additional Condition

16 - Public House Delivery Time

Unless otherwise agreed in writing by the Local Planning Authority deliveries to the existing public house shall not take place outside of the hours of 10:00 to 15:00 Monday to Friday and at no times on public holidays.

REASON:

The approved development would prevent delivery vehicles from pulling off the road when goods are being delivered to the premises. The permitted delivery hours would ensure that on-road deliveries do not lead to undue congestion during periods where on-street parking significantly increases.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan. Other material considerations do not have sufficient weight to justify a refusal of the application. The provision of no on-site car parking is in accordance with policies and guidance which look to reduce travel by private car. The proposed dwellings would be in keeping with the surrounding area and would not have a harmful impact on residential amenity. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, Planning Permission should therefore be granted having account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport) are also relevant to the determination of this planning application.

24. **165 ST MARY STREET AND THE FORMER CHANTRY HALL SITE, CHAPEL ROAD, SOUTHAMPTON**

Erection of a 4-storey multi-use building to provide an ice-rink and associated facilities including car parking, retail, café and restaurant uses with vehicular access from St Mary Street and alterations to the adjoining highway (Outline application with access, layout and scale for consideration at this stage).

Mr Warburg (Applicant) and Mr Lette (Architect) were present and with the consent of the Chair, addressed the meeting.

NOTE: Councillor Slade declared a prejudicial interest in this item and withdrew from 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 APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY.

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

- (iii) the applicant entering into a Section 106 Legal Agreement to secure:
 - a) provision of site specific 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);
 - b) a financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - c) the provision of Public Art in accordance with Council Policy;
 - d) incorporation of energy conservation measures in accordance with Policy CS20 of the Core Strategy;
 - e) submission and implementation of a Travel Plan;
 - f) submission and implementation of a Refuse Management Plan;
 - g) submission and implementation of a Training and Employment Management Plan; and
 - h) 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
- (iv) the conditions in the report and the additional and amended conditions below.

Amended Conditions

15 - Noise - plant and machinery

The development hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

REASON:

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

Additional Conditions:

25 - Replacement Trees

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others

of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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.

26 - Restriction on use

That part of the building shown as being used as an ice rink shall be used as an ice rink with associated facilities and for no other purpose including any other purpose within Class D2 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent amendment or replacement of this Order.

REASON:

To control the development in view of the character of the surrounding area and to allow the Council to consider the likely impact of other Assembly and Leisure uses.

27 - Use of Ice Rink

The ice rink hereby approved shall not be open for public use between the hours of midnight and 0600 hours on any day.

REASON:

To protect the amenities of neighbouring occupiers.

28 - Noise restriction

No amplified music or other sound amplification in connection with the use hereby approved shall be audible at any boundary of the site.

REASON:

To protect the amenities of neighbouring occupiers.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development would provide an important sports and leisure facility for the city with additional employment and regeneration benefits. These benefits are considered to outweigh the loss of protected trees and the adverse impact on the amenities of neighbours. The Council is satisfied that the setting of the adjoining listed church would not be adversely affected. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP8 SDP9, SDP10, SDP13, SDP16, CLT1, MSA1 and MSA12 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS13, CS14, CS19, CS20 and CS25 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS4 (Planning for Sustainable Economic Growth 2009), PPG13 (Transport) and PPG24 (Planning and Noise) are also relevant to the determination of this planning application.

25. **4 HARTLEY AVENUE, SOUTHAMPTON**

Erection of a single storey rear extension and two storey side extension

Mrs Blue (Local Resident) and Councillors Capazzoli and Vinson (Ward Councillors) 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 Fitzhenry, Jones, Letts, Mead and Osmond

ABSTAINED: Councillor Thomas

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. The scale and massing of the extensions are proportionate to the scale and appearance of the existing dwelling and its neighbours and are not considered to harm the residential amenity of neighbouring dwellings. The property is currently in use as a C4 dwelling. The addition of two bedrooms within the property accords with the requirements of the property remaining in use as a C4 dwelling. 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. 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. 'Saved Policies' - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS13, CS16, and the Council's current adopted Residential Design Guide.

26. **6 HARTLEY AVENUE, SOUTHAMPTON**

Single storey rear extension and two storey side extension to existing 4 bed HMO (C4 Use) to provide two additional bedrooms

Mrs Blue (Local Resident) and Councillors Capazzoli and Vinson (Ward Councillors) 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 Fitzhenry, Jones, Letts, Mead and Osmond

ABSTAINED: Councillor Thomas

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. The scale and massing of the extensions are proportionate to the scale and appearance of the existing dwelling and its neighbours. The proposal is not considered to harm the residential amenity of neighbouring dwellings. The property is currently in use as a C4 dwelling. The addition of two bedrooms within the property accords with the requirements of the property remaining in use as a C4 dwelling. 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. 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.

“Saved” Policies – SDP1, SDP5, SDP7 and SDP9 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policy CS13, and the Council’s adopted Residential Design Guide (2006).

27. 97 REGENTS PARK ROAD, SOUTHAMPTON

Use of existing garage for car repairs and car sales (sui generis) (retrospective).
Resubmission of 09/01201/FUL

Mr Andrea (Applicant) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO REFUSE PLANNING PERMISSION WAS LOST

RECORDED VOTE:

FOR: Councillor Osmond

AGAINST: Councillors Fitzhenry, Jones, Letts and Mead

A FURTHER MOTION proposed by Councillor Letts and seconded by Councillor Fitzhenry ‘that the application be granted’ was carried

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Letts and Mead

ABSTAIN: Councillor Osmond

RESOLVED that following the submission of an acoustic report and the installation of any noise mitigation measures which are identified within the report, a Temporary Planning Permission should be granted for one year subject to conditions set out below.

1 - Time Limited (Temporary) Permission

The use of the garage hereby permitted shall be discontinued on or before 12 months from the date of this consent.

REASON:

To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for this type of development.

2 – Personal Consent

The development to which this consent relates shall only be undertaken by Mr Andrea and by no other person(s) unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In order to control the scale of the operation of the development and in order to reflect the extenuating circumstances for which planning permission is granted.

3 - Scope and Restriction of use of other Classes

The use of the garage building shall be limited to the specific use (motor vehicle repairs) within the Town and Country Planning (Use Classes) Order 1987 (or any amendment to, replacement of, or reinstatement of that Order) Use Class B2 (General Industry) of Schedule 2 and for the purposes of clarity shall not be used for any Use Class B1 (Business) or B8 (Storage of Distribution) purpose or activity. No body repairs work or paint spraying shall take place on the site.

REASON:

In the interests of the amenities of adjacent residential occupiers.

4 - Hours of Operation

The garage to which this permission relates shall only be use in connection with vehicular repairs between the hours of 09.30 and 15.30 Monday to Thursday, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To protect the amenities of those members of the public who live close to the facility.

5 - Loading / unloading

The front curtilage of the dwelling house to which this application relates shall at no time be used for the parking and or storage of any vehicles associated with the commercial use of the garage structure hereby approved.

REASON:

In the interests of highway safety and residential amenity.

6 - Restricted use of garden area

The garden area serving the main dwelling shall remain in residential use ancillary to the dwelling and shall not be used in connection with the commercial use of the garage hereby permitted, including for any storage purposes, unless otherwise agreed in writing by the Local Planning authority.

REASON:

In order to protect the privacy of adjoining occupiers

REASONS FOR DECISION

The development is acceptable as a temporary and personal consent, subject to the imposition of conditions, taking into account the small scale nature of the activity and the requirement for further mitigation works to be undertaken prior to consent being issued. Full regard has been had to the policies and proposals of the Development Plan as set out below. Other material considerations including surrounding character and amenity, in particular the potential for noise and odour disturbance to be caused, have been addressed by the requirement for further remedial works to be undertaken prior to granting permission in accordance with the recommendations set out in a report to be

submitted by the applicant prior to the decision being issued. Conditions have also been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP7, SDP15, SDP16 and SDP21 of the City of Southampton Local Plan Review (March 2006); and PPS1 Delivering Sustainable Development, PPS23 Planning and Pollution Control and PPG24 Planning and Noise).

28. **ZAZEN DEVELOPMENTS LTD - ROEBUCK HOUSE, 24-28 BEDFORD PLACE**

The Panel considered the report of the Head of Planning and Sustainability seeking authorisation to vary the terms of the section 106 agreement in respect of Zazen Developments Ltd - Roebuck House, 24-28 Bedford Place.

(Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED that authority be delegated to the Solicitor to the Council to enter into a Deed of Variation of the section 106 agreement, postponing the payment of the affordable housing contribution for a period of up to 3 years provided £3000 per month is paid by the administrator, with provision that a sale within the 3 year period shall discharge the entire outstanding affordable housing contribution.