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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 6 DECEMBER 2016

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Present: Councillors Denness (Chair), Barnes-Andrews, Claisse, L Harris, Hecks, Mintoff and Mrs Blatchford

Apologies: Councillors Coombs

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

It was noted that following receipt of the temporary resignation of Councillor Coombs from the Panel, the Service Director Legal and Governance acting under delegated powers, had appointed Councillor Mrs Blatchford to replace them for the purposes of this meeting.

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

**RESOLVED:** that the minutes for the Panel meeting on 15<sup>th</sup> November 2016 be approved and signed as a correct record.

51. **PLANNING APPLICATION -16/01778/MMA - FORMER PORTSWOOD BUS DEPOT**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Development to provide purpose built student residential accommodation (435 bedspaces) in three buildings of between 3-storeys and 6-storeys plus lower ground floor level with vehicle access from Belmont Road and associated landscaping (amendment to previous planning permission reference 15/01510/FUL - changes relate to the type of accommodation and changes to elevations).

Dr Buckle and Jerry Gillen (local residents/ objecting), Michele Steel (applicant), and Councillor Claisse (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a change to the wording of recommendation 2 that would grant approval for the application, subject to the completion of a new section 106 with the same heads of terms as Application 15/01510/FUL rather than pursue a deed of variation to the original. The Panel also requested that the Panel be mindful of whether any controls over internal storage/display within the window can be imposed to protect the Portswood Road visual aspect. In addition the Panel agreed that an Informative to be added to the decision notice regarding the need to comply with fire safety legislation.

Upon being put to the vote the officer recommendation to confirm the Habitat Regulation Assessment was carried unanimously. A further vote of the officer recommendation to delegate planning authority to the Service Lead; Planning, Infrastructure and Development was carried.

RECORDED VOTE to delegate authority to grant planning permission  
FOR: Councillors Barnes-Andrews, Mrs Blatchford, Denness and Hecks  
AGAINST: Councillors L Harris and Mintoff

**RESOLVED:**

- (i) That the Panel confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) That the Panel delegated authority to the Service Lead, Planning, Infrastructure and Development to grant planning permission subject to the completion of a section 106 agreement with the same heads of terms as application 15/01510/FUL.
- (iii) In the event that the legal agreement is not completed within 2 months of the Panel meeting the Service Lead, Planning, Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement
- (iv) That the Service Lead, Planning, Infrastructure and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary

NOTE: Councillor Claisse declared an interest and withdrew from the meeting.

52. **PLANNING APPLICATION - 16/01509/FUL - 8 WESTRIDGE ROAD**

The Panel considered the report of the Service Head, Planning, Infrastructure and Development Manager recommending that authority to grant conditional approval in respect of the application for a proposed development at the above address.

Change of use from a 6-bedroom HMO (Class C4) to a 7-bedroom HMO

Adam Ford and Jerry Gillen (local residents/ objecting), Steve Lawrence (agent), and Councillor Claisse (ward councillor objecting) were present and, with the consent of the Chair, addressed the meeting.

The Panel sought clarification on the issuing of the Lawful Development Certificate based on the intention for use. To clarify the matter the Service Lead: Planning, Infrastructure and Development suggested that decision be deferred until the matter had been put to counsel to confirm whether the certificate was correctly issued and whether the certificate could be revoked if incorrectly issued.

Upon being put to the vote the amended Officer recommendation for the deferral approval of planning permission subject to the advice of counsel was approved unanimously.

**RESOLVED** that the decision on planning application 16/01509/FUL be deferred until the matter had been put to counsel to advise on:

- a. the lawful development certificate granted by the Council; and
- b. the Council's powers to revoke the certificate.

NOTE: Councillor Claisse declared an interest and withdrew from the meeting.

53. **PLANNING APPLICATION - 16/01122/FUL - 238 BURSLEDON ROAD**

The Panel considered the report of the Service Head, Planning, Infrastructure and Development Manager recommending that authority to grant conditional approval in respect of the application for a proposed development at the above address.

Change of use from dwelling (Class C3) to a house in multiple occupation (HMO, Class C4) (retrospective)

Paul Hughes (local resident objecting), and Aaron Joseph (applicant) were present and with the consent of the Chair, addressed the meeting.

The Panel discussed the potential highways impacts of the development and the potential change to character of the area that establishing a House of Multiple Occupancy.

Upon being put to the vote the Officer recommendation for the approval of planning permission subject to conditions was lost. Councillor L Harris proposed a further motion to refuse the application, subject to the reasons set out below, was seconded by Councillor Blatchford carried unanimously.

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

1. Character of area

The change of use of the property from a C3 family dwelling to a HMO, taking into account the context and character of the area, will result in an intensification in the use of the property, which by reason of the additional general activity, refuse generation, noise and disturbance would be to the detriment of the amenity of nearby residents, and is out of character with the context of the local neighbourhood. As such the proposal represents an over-intensive use of the site and is therefore contrary Policies SDP1 (i), SDP7 (v) and H4 (i) & (ii) of the City of Southampton Local Plan Review (amended 2015); and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and as supported by sections 1.1 & 4 of the Council's adopted Houses in Multiple Occupation Supplementary Planning Document (2015).

2. Highways impacts of development

The provision of a single on-site parking space is not sufficient to meet the needs of the development, being less than that maximum standard outlined in the Council's Houses in Multiple Occupation Supplementary Planning Document, and would likely exacerbate existing parking pressure in the surrounding area.

This is having regard to the more intensive occupation of the property; the low-accessibility nature of the site and; the parking pressure within the area, evident through existing levels of unauthorised parking on nearby highway verges (notwithstanding the results of the submitted car parking survey). As such, and in the absence of an opportunity to provide further on-site car parking without causing harm to highway safety, the proposal would result in additional overspill parking which would be harmful to the character and amenity of the surrounding area and residents. The proposal represents an over-intensive use of the site and is, therefore, contrary to Policies SPD1(i), SDP7(v) and H4(i)(ii) of the City of Southampton Local Plan Review (2015) and CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (2015), as supported by the provisions of the Councils Houses in Multiple Occupation Supplementary Planning Document (2016) and Parking Standards Supplementary Planning Document (2011).

54. **PLANNING APPLICATION - 15/01250/FUL - 106-113 ST MARY STREET**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of four additional storeys (above the ground floor retail units to be retained) to provide 74 residential units (21 studios, 34 x one bedroom flats, 17 x two bedroom flats and 2 x three bedroom flats) with associated facilities.

Upon being put to the vote the officer recommendation to delegate authority to the Service Lead – Infrastructure, Planning and Development to agree a deed of variation for the Section 106 agreement dated 10<sup>th</sup> December 2015 was carried.

RECORDED VOTE to grant authority to vary the Section 106

FOR: Councillors Barnes-Andrews, Claisse, Denness and Hecks

AGAINST: Councillor Mintoff

ABSTAINED: Councillors Mrs Blatchford and L Harris

**RESOLVED** to delegate authority to the Service Lead – Infrastructure, Planning and Development to complete a Deed of Variation to vary the Section 106 Agreement dated the 10th December 2015 in order to waive the Affordable Housing provision, on viability grounds, imposing the Council's standard viability review mechanism clause.