
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 31 August 2010

Present: Fitzhenry (Chair), Jones (Vice-Chair), Letts, Osmond, Samuels, Slade (except Minute Item 35) and Thomas

Apologies: Councillor Raymond Mead

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

The Panel noted that Councillor Samuels was in attendance as a nominated substitute for Councillor Mead in accordance with Council Procedure Rule 4.3.

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

RESOLVED that the Minutes of the meeting held on 20th July 2010 be approved and signed as a correct record.

CONSIDERATION OF PLANNING APPLICATIONS

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

31. **PART OF FORMER CALOR GAS AND DIMPLEX SITE FIRST AVENUE - 10/00385/R3CFL**

Proposed development at part of the former Calor Gas and Dimplex Site, First Avenue.

Mrs Bradley (Objector) and Mr Cooper (Applicant) were present and with the consent of the Chair addressed the Panel.

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 WITH THE FOLLOWING AMENDMENTS TO RECOMMENDATIONS:

RESOLVED that authority be delegated to the Planning and Development Manager to grant planning permission subject to the receipt of a written undertaking from the Director for Environment to secure:-

- (i) Provision of site specific highway improvements in the vicinity of the site with such works to be fully operational prior to the site being brought into use 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) to include:-

- (a) Making of Traffic Regulation Orders to restrict parking on Third Avenue and First Avenue and lane marking on First Avenue;
 - (b) A financial contribution towards the provision of a cycle route on the opposite side of Millbrook Road to provide cyclists with an alternative route;
 - (c) To include improvements to Manor House Avenue/Third Avenue junction for improved HGV turning;
 - (d) To provide directional signage for access to and egress from the site;
 - (e) Changes to traffic light control for traffic using the new spur link from Third Avenue onto the Millbrook roundabout;
 - (f) Arrangements for supervision fees relating to the necessary highways works.
- (ii) Submission and implementation of a Travel Plan;
 - (iii) Submission and implementation of a Training and Employment Management Plan;
 - (iv) 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
 - (v) All the above site specific highway improvements to be in place prior to the use commencing.

Amended Conditions:

06 - 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 12.5% for the workshop building and at least 15% for the office building 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 12.5% for the workshop building and at least 15% for the office building must be submitted and approved in writing by the Local Planning Authority prior to the occupation of the development 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).

15 - Sustainability statement implementation

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

REASON:

To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6.

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 a depot facility which is a similar employment use to those safeguarded under Policy RE1 10 of the Local Plan. The proposed use would not be harmful to existing industrial or warehousing uses on adjoining sites. The impact on traffic levels in the surrounding area and particularly the impact on the Port of Southampton and its national economic importance have been carefully considered and the impact is considered to be acceptable. 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, SDP13, SDP15, SDP16, and TI2 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) Policies CS6, CS9, CS13, CS18, 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 & Noise) are also relevant to the determination of this planning application.

32. **STONEHAM CEMETERY ROAD - 10/00728/FUL**

Redevelopment of the site by the erection of 11 two-storey houses (5x two-bedroom and 6 x three bedroom) with associated parking and other facilities including allotment gardens and alterations to the road to provide a new footway.

Ms O'Rourke (Applicant), Mr Knight (Agent), Ms Mason (local resident) and Mr Board (Swaythling Housing Association) 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 A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY

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 to secure:-
 - (a) 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);

- (b) 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;
 - (c) Financial contribution towards highway works at Stoneham Cemetery Road, including supervision fees and in agreement with SCC Bereavement Services.
 - (d) 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);
 - (e) Amenity Open Space ("open space")
 - (f) Playing Field
 - (g) Play space;
 - (h) Affordable housing provision in accordance with appropriate SPG
 - (i) A refuse management plan to outline the methods of storage and waste collection of refuse from the land in accordance with policy SDP1 of the development plan and appropriate SPG.
 - (j) 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.
 - (k) Financial contribution towards the long term monitoring and management of hibernacula and the grassland habitat within the receptor area as shown on plan 2 to ensure that they remain in a suitable condition to support reptiles.
- (ii) In the event that the legal agreement is not completed by 13th September 2010 the Head of Planning and Sustainability be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Amended Conditions:

06 – Ecological Mitigation Statement

Development shall be implemented in accordance with the biodiversity mitigation measures set out in the Reptile Mitigation Strategy Rev 1 and the Ecology Assessment November 2008 Rev 1 June 2010, which, unless otherwise agreed in writing by the local planning authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

REASON

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

14 - Glazing - soundproofing from external traffic noise

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed houses from traffic noise has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:-

- Outer pane of glass - 10mm
- Air gap between panes - 12mm

Inner pane of glass - 6 mm
or,
with secondary glazing with a -
Outer pane of glass - 6mm
Air gap between panes - 100mm
Inner pane of glass - 6.4 mm

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

REASON:

In order to protect occupiers of the flats from traffic noise.

16 - Code for Sustainable Homes

Written documentary evidence demonstrating that the development will achieve the measures set out in the sustainability and energy statement dated May 2010 and submitted on 14th June 2010, unless otherwise agreed in writing by the local planning authority, shall be submitted to the local planning authority and verified in writing prior to the first occupation of development hereby granted. The evidence shall take the form of a post construction certification as issued by a qualified Code for Sustainable Homes 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).

Additional Conditions:

30 - Footpath Construction

The private footpath as shown on drawing 941-PD-101 rev F to be constructed to the east of the housing development hereby approved shall be available for use prior to the first occupation of the development and shall be retained and maintained at all times by the developer or their successors in title.

REASON

To ensure appropriate pedestrian access is provided and retained in the interests of highway safety.

31 – Acoustic fencing - [Pre-Commencement Condition]

Works pursuant to this permission shall not be commenced until a scheme for the installation of a noise barrier to protect the houses located on plots 10 and 11 from noise associated with the neighbouring commercial site has been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to the occupation of the dwellings and thereafter retained at all times.

REASON

In order to protect occupiers from noise associated with commercial activity.

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 maximises the use of this

previously developed land with attractively designed energy efficient dwellings by meeting level 6 of the Code for Sustainable Homes. The loss of a community facility and an area of open space (allotments) has been justified and is accepted by the local planning authority. The provision of residential accommodation on this currently derelict piece of land will make a positive contribution to the city's level of affordable family housing. Sufficient measures have been put in place to mitigate against the impact of the development on the site's ecology and appropriate measures have been taken to improve access into the site. 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, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, NE4, CLT3, CLT5, CLT6, H1, H2, H3 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS3, 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 PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010), PPG13 (Transport) and PPG24 (Planning & Noise) are also relevant to the determination of this planning application.

33. **210 BASSETT GREEN ROAD - 10/00811/FUL**

Redevelopment of the site by the erection of 3 x 6 bed detached dwellings with integral garage, car parking and amenity space.

Mrs Ward (Architect), Mr Thakrar and Mr Strother (Local Residents) 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, Osmond, Slade and Thomas

AGAINST: Councillor Samuels

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

4 – Parking and Access

Prior to the occupation of each dwelling hereby approved both the access to the site and the garaged parking spaces serving that dwelling shall be provided in accordance with the plans hereby approved. The garaged parking shall be retained for that purpose and/or ancillary uses and not used for any commercial activity.

REASON:

To ensure a satisfactory form of development with an appropriate level of on-site parking.

16 - Code for Sustainable Homes

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of 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, 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.

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).

28 – Plot 3 Fenestration

The first floor side window serving Plot 3 bedroom 2 (on elevation plan ref: P25A) shall be omitted from the scheme.

REASON:

As this window is shown in elevation terms but not on the approved floorplan, and for the avoidance of any doubt so as to avoid any potential overlooking issue.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Following the proposed amendments, and the removal of 2 dwellings from the scheme, the application is considered to be acceptable. Whilst the development includes existing residential garden, and the priority for new development should be on previously developed land, the proposal is considered to respect the established pattern of development and provides additional family housing meeting a specific housing need. The retention of the mature landscape setting and the position of the dwellings within the plot will result in no visual impacts to the existing streetscene or the wider context. Other planning concerns and the views of local residents have been considered, as detailed in the report to the Planning and Rights of Way Panel on 31st August 2010 but these 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 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, CS18, CS19 and CS20 and the Council’s current adopted Supplementary Planning Guidance, including the “Residential Design Guide”. 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.

34. 36 DELL ROAD - 10/00454/OUT

Erection of a 3-storey building comprising of 1 x 3 bed and 4 x 1 bed flats with associated parking and cycle/refuse storage. Outline application seeking consideration of access, appearance, layout and scale (details of landscaping to be reserved).

Mr Warwick (Agent), Mr Sumra (Applicant), Mrs Clegg (Objector), Councillors White, Baillie and P Williams (Ward Councillors) were present and with the consent of the Chair addressed the meeting.

NOTE: Councillor Slade withdrew from the meeting for this item.

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

RECORDED VOTE:

FOR: Councillors Jones, Osmond and Thomas

AGAINST: Councillors Fitzhenry, Letts and Samuels

NOTE: Chair used his casting vote.

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

REASONS FOR REFUSAL

01 – Over-development of the site

The proposed introduction of 5 flats would result in the overdevelopment of the site by reason of poor access to natural daylight experienced by the ground floor flat and by failing to provide adequate useable amenity space for the proposed number of units due to the steep gradient of the amenity space. This is having regard to the 9th June 2010 update to PPS3: Housing, which by removing minimum density requirements has created a shift in considerations which enables greater emphasis to be placed on retaining the spacious and suburban character of the area. The development would thereby prove contrary to the provisions of policies CS5 and CS13 (10 and 11) of the Local Development Framework Core Strategy Development Plan Document, SDP1 (i), SDP7 (iv) and H7 (ix) of the Local Plan Review (Adopted Version March 2006) and as supported by the Residential Design Guide SPD 2006 (with particular reference to paragraphs 2.2.1, 2.3.14 and 4.4).

02 - Direct impacts not mitigated by planning agreement

In the absence of a completed S.106 Legal Agreement or Unilateral Undertaking the proposal fails to mitigate against its direct impacts and does not, therefore, satisfy the provisions of Policy CS25 (The Delivery of Infrastructure) of the Council's adopted LDF Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- (a) Measures to satisfy the public open space requirements of the development have not been secured. As such the development is also contrary to the adopted City of Southampton Local Plan Review (March 2006) Policy CLT5 as supported by Policy CS21 of the adopted LDF Core Strategy (2010);
- (b) The development triggers the need for an affordable housing contribution and without such a commitment, or an open-book viability appraisal that can be independently verified, the scheme fails to assist the City with its current housing needs issues and, as such, is contrary to Policy CS15 of the Council's adopted LDF Core Strategy (January 2010);
- (c) Measures to support sustainable modes of transport, the strategic highway network, and site specific highway requirements (such as necessary improvements to public transport facilities and pavements in the vicinity of

the site) have not been secured contrary to the adopted City of Southampton Local Plan Review (March 2006 Policy SDP1 as supported by policies CS18 and CS25 of the Council's adopted LDF Core Strategy (January 2010);

- (d) In the absence of a commitment to undertaking an off-site highway condition survey the development fails to explain how its impacts will be managed both during and after the construction phase.

35. **LAND REAR OF 3-6 SEYMOUR ROAD - 10/00277/FUL**

Erection of an additional 2 x 2-storey, 4-bed detached houses with associated detached double garage and cycle/refuse storage and replacement house type to house on Plot 1, previously approved under ref. 99/01407/FUL.

RESOLVED that consideration of the application be deferred to a future meeting to allow all interested parties to attend.

36. **9 THE TRIANGLE, COBDEN AVENUE, 10/00606/FUL**

Change of use from A1 (Shops) to mixed use A3 (Sandwich/Coffee Bar) and use of forecourt as external dining area

RESOLVED that consideration of the application be deferred to a future meeting to allow all interested parties to attend.

37. **REAR OF 273 WIMPSON LANE - 10/00523/FUL**

Erection of a detached 4-bed house with associated parking and storage facilities

Mr Oldfield (Architect) and Councillor Holmes (Ward Councillor) 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 conditions set out below.

Amended Conditions

14 - Code for Sustainable Homes

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of 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, 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.

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).

15 - 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 and other guidance as set on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 31.08.10 do not have sufficient weight to justify a refusal of the application. The proposed dwellings would be in keeping with the surrounding area and would not have a harmful impact on residential amenity or highway safety. 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 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.

38. 34 NORTHCOTE ROAD - 10/00743/FUL

34 Northcote Road, Southampton. Change of use from a 3-bed house (Class C3) to a 4-bed house in multiple occupation, HMO (Class C4)

RESOLVED that consideration of the application be deferred to a future meeting owing to a number of interested parties not receiving sufficient notice to enable them to attend.

39. REAR OF 13-19 FIRGROVE ROAD - 10/00490/OUT

Erection of 4 x 3-storey 4-bed houses with associated parking and cycle/refuse storage, outline application seeking consideration of access, appearance, layout and scale (details of landscaping to be reserved).

The Panel noted the withdrawal by Highways Development Control of that part of the report stating that there were no highway objections to the above scheme and recommended that reasons for refusal 3 and 4 as set out in the report be combined.

Mr Wiles (Applicant) and Ms McGuiness (Resident) were present and with the consent of the Chair addressed the Panel.

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 as amended below.

Reasons For Refusal

1 - Harm to the character of the area

The proposed development involves building on garden land which forms an important amenity space for the existing dwelling houses, is not previously developed land and makes a positive contribution to the spatial character of Firgrove Road which predominantly comprises dwellings situated within long elongated plots with a road frontage. The proposals are considered to represent harm to the character of the area and would prove contrary to the following Development Plan policies and supplementary planning guidance for Southampton:-

City of Southampton Local Plan Review 'saved' policies (March 2006):- SDP1 (i), SDP4, SDP7 (iv), SDP9 (i) and (v).

City of Southampton Core Strategy (January 2010):- CS4, CS5 and CS13.

Sections 2.3.14, 3.1, 3.7, 3.9 and 4.4 of the Residential Design Guide SPD (September 2006).

2 - Harm to the amenities of occupiers of adjoining land

The proposal represents an un-neighbourly and overbearing form of development by reason of its' design and height and proximity to the retained rear gardens of 15 and 19 Firgrove Road leading to a sense of enclosure. As such the development would be out of keeping with the established layout of buildings and gardens within the area and would be harmful to the residential amenities of the occupiers of 15 and 19 Firgrove Road, contrary to City of Southampton Local Plan Review 'saved' policies (March 2006):-

SDP1 (i), SDP7 (iv), SDP9 (i) and (v).

City of Southampton Core Strategy (January 2010):- CS5 and CS13.

Sections 2.2.18, 2.2.19, 3.1, 3.7 and 3.9 of the Residential Design Guide SPD (September 2006).

3 – Inadequate/unsafe access

The proposal would result in the intensified use of an existing access which does not have sufficient width to allow 2 cars to pass at the entrance and therefore increasing the likelihood of vehicles waiting on the public highway to turn into the site and obstructing the free flow of traffic within Richmond Road / Park Road. In addition, the development proposal fails to provide a safe and convenient access arrangement, because vehicle access taken through the existing garage blocks would be obstructed when the adjacent garage doors are open. As such the development would prejudice

highway safety and would be contrary to policies SDP1 (i) and SDP4 of the City of Southampton Local Plan Review (March 2006), policy CS13 of the Local Development Framework Core Strategy (January 2010) and section 5 of the Residential Design Guide SPD (September 2006).

40. **REAR OF 50 - 53 ROSELANDS GARDENS - 10/00608/FUL**

Erection of 2 x 3-bed houses with detached shared garage and storage facilities, with existing access to the site widened.

Mr Duggan (Agent), Mrs Williams (Local Property Owner), (Mr Baker and Mr Close (Local Residents) and Councillor Vinson (WardCouncillor) were present and with consent of the Chair addressed the Panel.

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

RECORDED VOTE:

FOR: Councillors Fitzhenry, Letts, Jones, Osmond, Samuels
and Samuels.

AGAINST: Councillor Slade

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

Amended Conditions

03 - Landscaping detailed plan

Before the commencement of any site works 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 and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the access and parking areas shall be finished in a permeable block paved surface. In particular, a hedge of native species shall be re-instated along the site access on the common boundary with 48 Roselands Gardens, where this is being removed to facilitate construction of the development. The hedge shall be maintained to a height of 1.8 metres high above ground level once established and also maintained in terms of its width to ensure that a minimum access width of 3.1m indicated on drawing SJD/166/568/01 Rev A – except where this widens by Roselands Gardens to facilitate vehicle passing, refuse storage and sight lines to the highway - is maintained at all times thereafter.

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.

The approved 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. 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.

09 - Code for Sustainable Homes

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of 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, 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.

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).

10 – 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).

14 - Ecological Mitigation Statement

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted Ecological Survey March 2010] which unless otherwise agreed in

writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place. The triangular area of land at the north-eastern end of the site shall at no time be incorporated into any private garden and shall otherwise be left as a natural area.

REASON:

To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity and to control the use of the triangular piece of land in the interests of nature conservation.

Additional Conditions

21 – Drainage

Prior to the commencement of the development hereby approved details of the proposed means of surface water disposal shall be submitted to the Local Planning Authority for approval in writing, which shall take account of the permeable block paving requirement listed in condition 03 above. The development shall proceed in accordance with the agreed details and maintained at all times thereafter.

REASON:

To ensure the proposal does not increase the likelihood of flooding in the vicinity of the site, particularly cascading down the gradient of the site access towards the new dwellings.

22 – Lighting Scheme

Prior to the commencement of the development hereby approved a detailed lighting scheme shall be submitted to the Local Planning Authority for approval. This shall include details of the lighting at the end of the access into the site, of the entrances to the building, cycle and refuse store. The scheme shall be implemented in accordance with the approved details prior to the development first coming into occupation and maintained in good working order at all times thereafter.

REASON:

To secure a safe and attractive environment for users of the site.

REASON FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations do not have sufficient weight to justify a refusal of the application. The proposed dwellings would be in keeping with the surrounding area and would not have a harmful impact on residential amenity for the reasons given in the report to the Planning and Rights of Way Panel on the 31.08.10. 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.

41. **SOUTHAMPTON GENERAL HOSPITAL TREMONA ROAD - 10/00881/FUL**

Construction of a Helicopter Landing Pad on the upper deck of the multi-storey car park and reconfiguration of car parking spaces.

Dr Eynon (Consultant – Major Trauma – Southampton General Hospital), (Mr Rover (Expert Witness) and Mr Hole (Local Resident) were present and with the consent of the Chair, addressed the meeting.

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

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

Additional Condition

5 - Warning Signage

Signage providing warning of the imminent landing and/or aircraft take-off shall be installed prior to first use of the heli-pad facility and thereafter maintained and operated in accordance with details to be first agreed in writing with the Local Planning Authority.

REASON:

In the interests of public safety.

REASONS FOR THE DECISION

The development was acceptable taking into account the policies and proposals of the Development Plan as set out below. The provision of a facility for the air ambulance and other similar airborne emergency vehicles within the allocated campus of Southampton General and Princess Anne Hospitals is fully in accordance with Policy CS10 of the Core Strategy and Policy HC1 of the City of Southampton Local Plan Review which promotes and safeguards the Hospital site for the development of Healthcare and support facilities. Other material considerations such as noise disturbance, air quality and impact on ecology did not have sufficient weight to justify a refusal of the application. Issues of public safety with regard to aircraft flights were a matter of regulatory control outside the planning system. The net loss of 8 parking spaces from the car-park is compensated for by other planned development on the site. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 Planning Permission was granted.

“Saved” Policies – SDP1, SDP5, SDP7, SDP9, SDP10, SDP12, SDP15, SDP16 and HC1 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS10, CS13 and CS22, and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPG13 (Transport) and PPG24 (Planning & Noise) were also relevant to the determination of the application.

42. **REAR OF 58 PARK ROAD - 10/00598/FUL**

Erection of a 2-storey, 2-bed house with associated bin/cycle storage and pedestrian access from Mansion Road

Mr Wiles (Applicant) was in attendance 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 permission be granted, subject to the conditions in the report and the amended condition set out below.

Amended (Reason for) Condition

5 – Code for Sustainable Homes

Delete all reference to the South East Plan in the reason given for imposing Condition No 5.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. In visual terms the proposals will bring improvements to the street scene, and the additional residential accommodation will contribute to the mix of housing available within this location and provide an appropriate residential environment for future occupants of the site. 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, and SDP9 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, CS19, CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing 2010) are also relevant to the determination of this planning application.

43. **REAR OF 88-90 HIGH ROAD - 10/00653/OUT**

Erection of a 2 storey building to create 4 x 1 bed flats with associated cycle/refuse stores (outline application seeking approval for access, appearance, layout and scale)

Mr Wiles (Architect) was in attendance and with the consent of the Chair addressed the Panel.

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 amended reasons set out below.

Reasons for Refusal

1 - Impact on character of the area

It appears to the Council that the proposed development would involve the development of a private residential garden contrary to the guidance contained within Planning Policy Statement 3 (Housing - published June 2010) which requires priority to be given to developments on previously developed land. Notwithstanding that issue, the development of the site in isolation is also considered to be out of character with the surrounding context defined by the wider spatial character and appearance of the local area, which mainly consists of garden land with typically ancillary small scale buildings. The proposal would therefore prove contrary to Policies CS4, CS5 and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the saved policies SDP7 (iii)/(v) of the adopted City of Southampton Local Plan Review (March 2006) as supported by the relevant sections of part 3 of the approved Residential Design Guide Supplementary Planning Document (September 2006).

2 – Risk of crime

The main access route to the proposed residential units formed by the layout of the proposed boundary treatment to the garden of the existing property at 88 High Road is not designed to minimise the opportunity for crime as there is a lack of natural surveillance to the detriment of quality of the residential environment for future occupiers. Furthermore, the proposed post and rail fencing is considered to be a wholly inappropriate form of boundary treatment as an effective security measure adjoining the existing car park area to the north.

The proposal would therefore be contrary to saved policy SDP1 of the adopted City of Southampton Local Plan Review (March 2006) as supported by the relevant sections of part 4 of the approved Residential Design Guide (September 2006).

3 – Tackling climate change

The application fails to demonstrate that the proposed development would contribute towards the council's objective of adaptation to and mitigation of climate change, by committing to an improvement of energy and water efficiency; furthermore measures proposed to reduce surface water run off have not been detailed.

Accordingly the scheme fails to comply with policy CS20 of the Core Strategy Local Development Framework Core Strategy Development Plan Document (January 2010).

NOTE: Panel noted that paragraph 5.7 of the report did not apply to the above application.

44. **CIVIC CENTRE, CIVIC CENTRE ROAD - 10/00020/R3CFL**

Former Magistrates Courts, Civic Centre, Bargate, Southampton.

Change of use of the courts and police block of the Civic Centre into a Sea City Museum with associated alterations and extensions at roof level and to the north side of the building.

RESOLVED that consideration of the application be deferred at the request of the applicant pending further discussions with the Highway Authority.

45. **173 - 175 UPPER DEACON ROAD - 10/00793/FUL**

Erection of 2 x 3 bed semi-detached houses with accommodation in the roof space and formation of raised deck car parking area and bin and cycle storage underneath (Re-submission 10/00247/FUL)

Mr Ray (Agent) was present and with the consent of the Chair addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT 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.

Amended Conditions

3 - Refuse and Recycling Bin Storage

The bin storage areas shown on the approved drawings shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

REASON:

A bin enclosure to each dwelling is considered necessary in the interests of the visual appearance of the building and the area in general.

9 - Car Parking

The car parking areas shown on the approved drawings shall be laid out and surfaced before the use hereby permitted commences and shall thereafter be kept clear and maintained at all times for that purpose.

REASON: To prevent obstruction to traffic in neighbouring roads.

13 - Land Contamination - deleted.

Additional Condition

18 - 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 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 was acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme was acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected.

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.

Policies SDP1, SDP4, SDP5, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS4, CS5, CS13, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010); National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport) were also relevant to the determination of the application.

46. **ROSEBANK COTTAGE AND LAND ADJOINING, INCLUDING PART OF FORMER PLAYING FIELDS, STUDLAND ROAD - 10/00565/R3OL**

Rosebank Cottage and land adjoining, including part of former playing fields, Studland Road Southampton SO16 9BB

AMENDMENT TO THE OFFICER RECOMMENDATION PROPOSED BY COUNCILLOR LETTS AND SECONDED BY COUNCILLOR THOMAS

'that the provision for 35% affordable housing of the development on the site as set out in the proposed Section 106 Agreement be amended to 45%'

UPON BEING PUT TO THE VOTE THE AMENDMENT TO THE OFFICER RECOMMENDATION WAS LOST

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Osmond, Samuels and Slade

AGAINST: Councillors Letts and Thomas

UPON BEING PUT TO THE VOTE THE UNAMENDED OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY

RESOLVED

- (i) that approval be given for the stopping up of that piece of public highway in Studland Road forming the existing site access under Section 257 of the Town and Country Planning Act necessary to allow the development to proceed;
- (ii) that the Planning and Development Manager be delegated authority to grant planning permission subject to the completion of a Section 106 Legal Agreement to secure the following together with the additional condition set out below:-
 - (a) 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);
 - (b) 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;
 - (c) Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT3, CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policies CS21 CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended), to mitigate for the loss of that part of the site which is currently protected open space:-
 - (d) Amenity Open Space (“open space”);
 - (e) Playing Field;
 - (f) Play space/equipment;
 - (g) The provision of 35% of the dwellings as affordable housing, in accordance with Policy CS15 of the adopted LDF Core Strategy (2010);
 - (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
- (iii) that in the event that the legal agreement is not completed by *30 November 2010* the Head of Planning and Sustainability be authorised to refuse permission on the grounds of failure to secure the provisions of the Section 106 Legal Agreement.

Additional Condition

28 – Bat Survey

Notwithstanding the submitted ecology report, before any demolition and site clearance takes place, a bat survey of Rosebank Cottage and trees within the site shall be conducted by the developer. The survey shall consist of a visual inspection of the building, including roof voids, and ivy covered trees plus 3 emergence checks. No

demolition or tree felling should take place until the bat survey has been submitted to the LPA and any necessary mitigation measure(s) has/have been agreed in writing with the LPA. Once agreed, all such approved mitigation measures shall be carried out in full prior to any demolition or site clearance.

REASON:

To protect nationally protected species from harm in accordance with saved Policy NE4 of the City of Southampton Local Plan Review (March 2006) and Policy CS22 of the City of Southampton Core Strategy (January 2010).

REASON FOR DECISION

Whereas the proposals are contrary to Policy CS21 of the City of Southampton Core Strategy (January 2010) and 'saved' Policy CLT3 of the City of Southampton Local Plan Review (March 2006), in that they involve a net loss of protected open space, the mitigation offered for that set out below is considered acceptable to allow a departure from the Development Plan for Southampton. The development is otherwise acceptable taking into account the policies and proposals of the Development Plan as set out below. In visual terms the proposals will bring improvements to the Studland Road street scene and provide a good choice and mix of general needs, affordable and family housing in an area otherwise dominated by public housing.

Notwithstanding the re-publishing of PPS3, revising the definition of previously developed land to exclude private garden land, the loss of Rose Cottage is deemed acceptable in terms of the overall planning benefits of the proposals, efficient use of urban land and improvement to the character of the area.

That element of the site previously used as a playing field, but not within the last five years, will be mitigated for through a financial contribution to improve public open space locally and this decision is taken in the knowledge that mitigation is also being secured through the partial demolition of the Old Redbridge Primary School on Redbridge Road, with reinstatement of land to create an additional new adult football pitch and informal sport training grids as an extension to the playing field to the adjoining Redbridge Community School in Cuckmere Lane, which already allows for public use of those facilities.

The relationship of the development layout in terms of existing flats at 48 to 130 Cuckmere Lane would be mitigated for in terms of existing and proposed tree planting, to ensure that occupants of dwellings closest to those other flats would enjoy a reasonable level of amenity and privacy.

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 deemed Outline Planning Permission should therefore be granted.

"Saved" Policies – SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP21, SDP22, NE4, HE6, CLT5, CLT6, H1, H2, H3, H6 and H7 of the City of Southampton Local Plan Review (March 2006) as supported by the City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23 and CS25.

47. **PLANNING PERFORMANCE AGREEMENTS AND PRE-APPLICATION CHARGING**

RESOLVED that consideration of the report of the Head of Planning Sustainability detailing changes to the way the City Council would provide pre-application planning advice through the use of Planning Performance Agreements be deferred to the next meeting.

48. **STREET NAMING REPORT - FORMER WICKES SITE, 81 - 97 PORTSWOOD ROAD**

The Panel considered the report of the Head of Planning and Sustainability seeking approval of the street name 'Fullerton Place' for the cul-de-sac serving the residential development on the former Wickes site, 81 – 97 Portswood Road. (Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED that the name 'Fullerton Place' be approved as the name for the above mentioned street.

49. **STREET NAMING REPORT FOR UN-NAMED STREET ACCESSED OFF BLECHYNDEN TERRACE AND THE REAR OF THE MAYFLOWER THEATRE**

The Panel considered the report of the Head of Planning and Sustainability seeking approval of the name 'Phantom Lane' as the street name for un-named street accessed off Blechynden Terrace and the rear of the Mayflower Theatre. (Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED that the name 'Phantom Lane' not be approved and the names Empire Lane with Gaumont Lane as an alternative choice be submitted to the Post Office as potential names for the above mentioned street.