
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 21 SEPTEMBER 2010

Present: Councillors Fitzhenry (Chair), Jones (Vice-Chair), Letts, Osmond, Samuels, Slade and Thomas

Apologies: Councillor Raymond Mead

51. **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.

CONSIDERATION OF PLANNING APPLICATIONS

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

52. **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

Mr Buchanan (Agent) and Mr Taylor and Mr Wagstaff (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 LOST UNANIMOUSLY

A FURTHER MOTION proposed by Councillor Letts and seconded by Councillor Fitzhenry 'that the application be refused for the following reasons' was passed unanimously:-

- (i) Out of character
The proposal represents an inappropriate form of backland overdevelopment that provides inadequate garden sizes for the proposed dwellings, which involves the development of some land that was previously residential garden land. Furthermore the proposed layout and level of site coverage is out of character with the established pattern of development in the area. As such and having regard to the advice of Planning Policy Statement 3 (Housing - published June 2010), 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 Development Framework Core Strategy (January 2010): - CS13 (1)/(11); City of Southampton Local Plan Review (March 2006): - SDP1(i), SDP7(iii)/(v); Residential Design Guide SPD (September 2006): - particularly paragraph 2.3.14.

- (ii) Disturbance and loss of privacy arising from intensified use of vehicular access
The proposed development would result in intensified disturbance and loss of privacy to the occupiers of adjoining land, particularly the occupiers of 6 and 7 Seymour Road who abut the proposed site access, where there is a reasonable expectation that 5 other houses approved under planning Appeal reference APP/D1780/A/04/1150191, dated 9 March 2005, would be built out at the same time had these proposals been consented. The proposal is therefore considered contrary to policies SDP1(i), SDP7 (v), SDP16 (i), H2 (iii) of the City of Southampton Local Plan Review (March 2006).

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

53. **9 THE TRIANGLE, COBDEN AVENUE 10/00606/FUL**

Change of use from A1 (Shops) to mixed use A1 (retail) and A3 (Sandwich/Coffee Bar) (Description amended to omit decking and A5 use).

Mr Plested (Applicant) and Councillor White (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The Panel noted the revised recommendation to delegate authority to the Planning and Development Manager to grant conditional planning permission subject to imposing a condition relating to refuse disposal and other appropriate planning conditions.

The Panel further noted the petition circulated by Councillor White on behalf of local objectors.

UPON BEING PUT TO THE VOTE THE REVISED OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Letts, Osmond, Slade and Thomas

ABSTAINED: Councillor Samuels

RESOLVED that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to the conditions below.

Additional Conditions

1 - Hours of Use - A3 Use

The mixed use A1/A3 establishments hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

Monday to Saturdays 07.30 hours to 18.00 hours
(7.30am to 6.00pm)
Sunday and recognised public holidays 07.30 hours to 18.00hours
(7.30am to 6.00pm)

Unless otherwise agreed in writing by the Local Planning Authority a notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

REASON:

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

2 - Refuse Storage

No refuse associated with the site shall be stored on the forecourt of the building with the exception of during the period of refuse collection.

REASON:

In the interests of the visual amenities of the area.

3 - Change of Use - Scope and Limitation without alternative permission

The use of the building as hereby approved shall be limited to uses for A1 retail and a sandwich/coffee bar as provided for within Use Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) and notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 shall not be used for any other use within the A3 use class without the express granting of a planning permission.

REASON:

To define and limit the consent to its current operation in recognition of the site's constraints, including the limited site area, the limited space for refuse storage and the lack of extract ventilations systems which would be required for other types of cooking and food preparation, within an A3 Use class that might be likely to generate odours and fumes from any expanded cooking operations.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations do not have sufficient weight to justify a refusal of the application and a condition has been imposed to safeguard the visual amenities of the area, including the character of the building's shop front which is considered to be a heritage asset of local importance. This would be achieved by requiring refuse containers not to be stored on the forecourt, other than on refuse collection day. The proposed mixed use will contribute to the vitality and viability of this local shopping centre. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 Planning Permission should therefore be granted. "Saved" Policies SDP1 and RE16 of the City of Southampton Local Plan Review (March 2006) and Policy CS3 and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by policy HE7 of PPS5 - Planning for the Historic Environment (March 2010).

54. **34 NORTHCOTE ROAD - 10/00743/FUL**

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

Mrs Barter and Mr Persaud (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 LOST UNANIMOUSLY

A FURTHER MOTION proposed by Councillor Letts and seconded by Councillor Samuels 'that the application be refused for the following reasons was passed unanimously:-

- (i) Over- intensification in the use of the property
The change of use of the property from a C3 family dwelling to a C4 house in multiple occupation (HMO) in this location, taking into account the number of existing HMO's already in the area, will result in an intensification in the use of the property, which by reason of increased parking demands, additional general activity/noise/disturbance and loss of a well-ventilated reception room enjoying a good outlook, would be to the detriment to the character of the area, the amenity of nearby residents and reasonable living conditions of the proposed occupants. The proposal is therefore contrary Policies SDP1 (i) and H4 (i) and (ii) of the City of Southampton Local Plan Review 2006.
- (ii) Loss of an existing family dwellinghouse
The proposals result in the loss of an existing family dwellinghouse to be replaced by a C4 house in multiple occupation (HMO) which given its location is most likely to be occupied by students. The proposals are therefore contrary to the requirements of Policy CS 16 (2) and (3) of the Southampton City Council Local Development Framework Core Strategy January 2010.

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

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

The Panel considered the report of the Planning and Development Manager detailing changes to how the City Council will provide pre-application planning advice through the use of Planning Performance Agreements. (Copy of report circulated with the agenda and attached to the signed minutes).

The Panel noted an amendment to the wording of Paragraph 8 of the report with the addition of the word "normally" - to read "applicants will normally have the opportunity to present their schemes..."

RESOLVED that the Proposed Planning Performance Agreements Guidance as amended, be approved for use as part of the Council's pre-application service and added to the Council's website.