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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 15 FEBRUARY 2011

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Present: Councillors Fitzhenry (Chair), Jones (Vice-Chair), Letts (except Minute items 115 to 120), Osmond, Samuels, Slade and Thomas (except Minute 118)

Apologies: Councillor Raymond Mead

109. **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.

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

**RESOLVED** that the Minutes of the meeting held on 21<sup>st</sup> December 2010 be approved and signed as a correct record subject to the following amendment to Minute 101 - **5 NORTHWOOD CLOSE SO16 3QJ - 10/01311/FUL**

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Letts and Thomas

AGAINST: Councillors Osmond and Slade

**CONSIDERATION OF PLANNING APPLICATIONS**

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

111. **LAND TO THE REAR OF 70 SHIRLEY AVENUE -10/01749/FUL**

Erection of a detached 3 bed property to rear of existing property (resubmission of 09/01154/FUL to provide a widened integral garage and reconfigured layout)

Mr Cope (Applicant) and Mr Wiseman (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 CONDITIONAL PLANNING PERMISSION WAS CARRIED

RECORDED VOTE:

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

ABSTAINED: Councillors Samuels and Slade

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

### Amended Condition

10 – No other windows

No other windows, doors or openings shall be constructed above ground floor level in the side elevations of the dwelling hereby approved.

REASON

In the interests of the privacy of the neighbouring properties

### Additional Condition

19 - 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 15.02.11 do not have sufficient weight to justify a refusal of the application. The proposed dwelling 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 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 2011) are also relevant to the determination of this planning application.

112. **BOLDREWOOD (BUILDING 62) CAMPUS, UNIVERSITY OF SOUTHAMPTON - 11/00101/DIS**

Application for approval of details reserved by conditions 21 (Demolition and Construction Method Statement) and 22 (Bassett Crescent East) of planning permission reference 07/00985/OUT relating to the redevelopment of Boldrewood

Mr Luken (Agent) and Mr Carter, Mrs Cowie, Mr Moore and Mrs Wawman (Local Residents) were present and with the consent of the Chair, addressed the meeting.

The Panel considered the revised officer recommendation to delegate authority to the Planning and Development Manager to discharge conditions 21 and 22 of permission 07/00985/OUT subject to:-

- (i) a screen to Oaklands Way (if required) be agreed in consultation with the Chair of the Planning and Rights of Way Panel; and
- (ii) that Condition 21 discharge be conditional upon the University of Southampton adhering to the revised Demolition and Construction Method Statement; and:
  - (a) 3 DUST monitoring stations being used on a real time 24/7 basis;
  - (b) 3 VIBRATION monitoring stations being used on a real time 24/7 basis as required by Environmental Health in their email dated 14<sup>th</sup> February 2011;
  - (c) ASBESTOS removal to be in accordance with HSE Standards;
  - (d) 3 NOISE monitoring stations being used on a real time 24/7 basis;
  - (e) HOURS OF WORKING as per 07/00985/OUT condition 20 with exceptions made in the event of poor weather forecast to allow on-site management;
  - (f) No FLOODLIGHTING to be used with no light spill to extend beyond the site boundary; and
  - (g) Measures regarding NESTING BIRDS (as detailed in email correspondence with LM (dated 10<sup>th</sup> February) being undertaken.

UPON BEING PUT TO THE VOTE THE REVISED OFFICER RECOMMENDATION THAT CONDITIONS 21 AND 22 OF PLANNING PERMISSION 07/00985/OUT, BE DISCHARGED FOLLOWING THE COMPLETION OF THE DEMOLITION PHASE OF THE BOLDREWOOD PROJECT IN ACCORDANCE WITH THE ABOVE WAS CARRIED

RECORDED VOTE:

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

ABSTAINED: Councillor Samuels

**RESOLVED** that authority be granted to the Planning and Development Manager to discharge Conditions 21 and 22 of Planning Permission 07/00985/OUT following the completion of the demolition phase of the Boldrewood project subject to the provision of a screen to Oaklands Way (if required); adhering to the revised Demolition and Construction Method Statement and the other measures set out (ii) above

## REASONS FOR DECISION

The proposed method for demolishing the existing building is acceptable taking into account the policies and proposals of the Development Plan as set out below. Following the receipt of a revised Demolition and Construction Method Statement (DCMS) the submission is considered to address all the relevant points to ensure that the demolition phase proceeds with as little nuisance and disturbance to surrounding neighbours and the highway network as is possible. Reasonable checks and balances are included to enable the Local Planning Authority and Environmental Health to monitor the demolition phase and take action should it be necessary. Other material considerations, such as those listed in the report to and discussed at, the Council's Planning and Rights of Way Panel on 15<sup>th</sup> February 2011 do not have sufficient weight to justify an objection to the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, no objection is therefore, raised and this notice is issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2010. Policies – SDP1, SDP7, SDP9, SDP12, TI2, NE6 and L7 of the City of Southampton Local Plan Review - Adopted March 2006 and Policies – CS6, CS11 and CS13 of the Southampton City Council Local Development Framework Core Strategy – Adopted January 2010 as supported by the Council's current adopted Supplementary Planning Guidance.

113. **PART OF BRITISH AMERICAN TOBACCO CO LTD, REGENTS PARK ROAD - 10/01449/FUL**

Redevelopment of the site to provide a warehouse club (13,006 square metres gross external floorspace) including tyre installation, sales and associated facilities with vehicular access from Regents Park Road.

Mr Cheesemore (Applicant) and Mr Dicks (Agent) 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 SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED

RECORDED VOTE:

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

ABSTAINED: Councillors Letts and Samuels

### **RESOLVED**

- (i) that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-
  - a) the conditions in the report with any variations recommended by the Planning and Development Manager and the amended conditions 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 in accordance with policies CS18 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning;
3. Submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 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);
4. Submission and implementation within a specified timescale of a Travel Plan, 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);
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. Secure the following operational controls in order to define the planning use:
  - Both parties to the agreement acknowledge that the application is proposed on the basis that at least 65% of annual turnover will be to trade members of the warehouse club and therefore no more than 35% to individual members.
  - The warehouse club will restrict itself to not more than 4,000 different stock items.
  - Those items will be aimed primarily at the trade member and will mainly consist of items packaged in institutional packs or multi packs.
  - The agreement acknowledges that the use of the warehouse club as a Class A1 shop would amount to development requiring planning permission.
  - The warehouse club is to be operated in the general manner described in the booklet accompanying the application entitled "Costco Membership Warehouse Club – its philosophy and operation." (contained in Document 4) .

- An annual membership system is to be operated, requiring the payment of a fee and goods can only be bought by members in possession of a membership card which includes a photograph of themselves and their signature; membership cards will be checked on entry to the warehouse club and at the check out.
7. A site security management plan to be prepared and reviewed annually with Hampshire Constabulary for a 3 year period following the first opening of the premises for trading. Where recommendations of the reviews to improve site security are concluded, these are to be implemented.
  8. On the first anniversary of opening the store for public use the Developer will submit to the Council a Traffic Generation Survey. In the event that the Traffic Generation Survey shows an increase in trip generation in excess of 5% of the predicted trips estimated in the Transport Assessment (submitted as part of the Application and attached at Appendix 1) the Developer will pay a contribution towards additional highway works within the vicinity of the site within one month of the submission of the Traffic Generation Survey, equivalent to the additional number of actual trips, compared to the predicted trips identified in the Transport Assessment.
- (ii) that the Planning and Development Manager be authorised to refuse permission should the Section 106 Agreement not be completed within four months from the date of determination, on the grounds of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions:

5 - Road Construction

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

A specification of the type of construction proposed for the roads, cycleways and footpaths within the development hereby permitted including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.

REASON:

To ensure that the roads [cycleways] and footpaths are constructed in accordance with standards required by the Highway Authority.

6 - Junction Details

Development shall not begin until details of the junction between the proposed service road and the public highway as shown on drawing 72758/A/23 have been approved in writing by the LPA and the development shall not be brought into use until that junction has been constructed in accordance with the approved plans, unless any alternative solution is agreed in correspondence with the local planning authority prior to the implementation of such works.

**REASON:**

To ensure a safe access to the site is achieved.

**15 - Land Contamination investigation and remediation**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including:
  - historical and current sources of land contamination
  - results of a walk-over survey identifying any evidence of land contamination
  - identification of the potential contaminants associated with the above
  - an initial conceptual site model of the site indicating sources, pathways and receptors
  - a qualitative assessment of the likely risks
  - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

**REASON:**

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

**18 - Landscaping**

The development hereby approved shall be carried out strictly in accordance with landscaping plan 1001 Rev C and the Landscaping Report dated January 2011 by Andrew Davis Partnership unless otherwise agreed 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 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, in the interests of biodiversity and 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.

**23 - Hours of Use - Trading Hours**

The warehouse club hereby approved shall only not open to customers outside of the following hours:

Monday to Friday	
10.00am - 8.30pm (10.00am -12:00pm midday - trade customers only)	
Saturday	09.00am - 6.30pm
Sunday	11.00am - 5.00pm
Recognised public holidays	10.00am – 6.00pm

**REASON:**

To protect the amenities of the occupiers of existing nearby residential properties and to avoid congestion on Regents Park Road.

**29 - External Lighting**

The development shall be carried out strictly in accordance with the scheme of external lighting as shown on drawing 2372/EX2 Rev B and the undertaking as set out within the supporting letter from Faarup Associated Ltd dated 11 January 2011. The external lighting shall be installed as agreed and thereafter retained.

**REASON:**

To secure a satisfactory form of development and to safeguard the residential amenities of neighbouring occupiers.

**REASONS FOR THE DECISION**

The site is safeguarded for light industry and research and development use under Saved Policy REI9 (i) of the Local Plan Review. Whilst a warehouse club does not strictly accord with the site specific designation, it is unlikely the site will come forward for single occupancy industrial use on the same scale as BAT, and leading Retail Estate Advisors 'Vail Williams' have indicated that demand from smaller industrial units on this back land site would be limited. Overall the principal scheme is acceptable, particularly as it will regenerate the site and will bring it back into employment use, whilst ensuring that existing residential amenities are protected. The Local Planning Authority is satisfied that the proposal will not undermine the vitality and viability of existing retail centres within the City. Furthermore the travel demands of the development can be met without compromising the city transport network, subject to the securing of site specific highway improvements through the S106 legal agreement. 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, SDP6, SDP7, SDP9, SDP10, SDP12, SDP13, SDP14, SDP16, SDP17,



REI9 and REI15 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS6, CS7, CS13, CS18, CS19, CS20, CS22, CS24 and CS25 of the Local Development Framework Core Strategy (January 2010).

114. **210 BASSETT GREEN ROAD - 10/01774/FUL**

Redevelopment of the site by the erection of 4 x 5-Bedroom detached dwellings with associated garages, car parking, access and amenity space

Mr Tear (Agent), Mr Strother (North East Bassett Residents' Association), and Mr Chamberlain, Mr Law, Mr Mounsell and Mrs Thakara (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

RECORDED VOTE:

FOR: Councillor Thomas

AGAINST: Councillors Fitzhenry, Jones, Letts, Osmond, Samuels and Slade

A FURTHER MOTION proposed by Councillor Fitzhenry and seconded by Councillor Samuels 'that the application be refused for the following reasons WAS CARRIED:-

(i) Character

The proposed redevelopment of 210 Bassett Green Road with four dwellings, in the manner proposed, is considered to be a discordant form of development that would harm the established pattern of development that prevails within the area known locally as 'Bassett Triangle'. The proposals, by reasons of their linear form, spatial characteristics and building-to-plot relationship (between themselves and their neighbours), the removal and erosion of a mature landscape screen onto Bassett Green Road to facilitate a second access point, and its subsequent residential density would exhibit a characteristic that differs from the prevailing pattern of development.

Furthermore, the exclusion of garden land from the Government's definition of previously developed land (as contained within PPS3 (2010)), and the subsequent shift in emphasis for housing delivery, makes the principle of the proposed development on this mature garden harder to justify. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such, the development would prove contrary to the provisions of policy CS13 (1) (2) of the adopted Local Development Framework Core Strategy (January 2010) as supported by "saved" policies SDP7 and SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council's approved Residential Design Guide SPD (September 2006) (namely, sections 2.1, 3.1, 3.2, 3.7, 3.8 and 3.9).

(ii) Precedent

The redevelopment proposals will, in the opinion of the City Council, harm the established pattern of development for the reason given above and by doing so would, if approved, set a difficult precedent that the Council would have

difficulty in resisting for further inappropriate development within the Bassett Triangle. The ongoing acceptance of harmful redevelopment proposals would in isolation, and as part of a wider context, further reduce the spatial characteristics and harm the character of the area contrary to the policies and guidance cited above.

RECORDED VOTE:

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

ABSTAINED: Councillor Thomas

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

115. **64 SWIFT ROAD - 10/01464/FUL**

Erection of two storey rear and side extension to allow conversion of dwelling into four flats (2 x 2 bedroom and 2 x 1 bedroom) with associated parking and cycle/refuse storage.

Mr Rogers (Agent), Mr Johnson (Local Resident) were present and with the consent of the Chair, addressed the meeting. Mr Johnson also delivered a written statement from Councillor Cunio (Ward Councillor).

AN AMENDMENT TO CONDITION 1 WAS PROPOSED BY COUNCILLOR FITZHENRY AND SECONDED BY COUNCILLOR OSMOND TO AMEND THE PERIOD FOR COMMENCEMENT OF WORKS TO THE 12<sup>TH</sup> JANUARY 2012

RECORDED VOTE

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

AGAINST: Councillor Samuels

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

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, 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.

**Amended Conditions**

1- Physical works

The development works hereby permitted shall begin not later than the 12<sup>th</sup> January 2012.

REASON:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to be consistent with the last Appeal consent granted, having regard to the current

untidy and overgrown appearance of the site, which is detracting from the visual amenities of the area.

#### 16 - Approved Plans

Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below and be occupied as 2 x 2 bedrooms and 2 x 1 bedroom flats. No further additional bedrooms shall be created without first being approved in writing by the Local Planning Authority.

#### REASON:

For the avoidance of doubt and in the interests of proper planning and to prevent a more intensive form of development from emerging without the proper consideration by the Local Planning Authority.

#### REASONS 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 such as those listed in the report to the Planning and Rights of Way Panel on the 15.02.11 do not have sufficient weight to justify a refusal of the application. The proposed dwelling would be in keeping with the surrounding area and would not have a harmful impact on residential amenity or highway safety and having regard to the previous planning appeal decision the proposal is considered to be acceptable. 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 2011) are also relevant to the determination of this planning application.

#### 116. ELM GREEN COURT, 58 WILTON ROAD - 10/01814/FUL

Alterations to roof comprising a mansard edge to reduce the eaves height of the building adjacent to 60 Wilton Road.

Mr MacLean (Agent) and Mrs Wiseman (Local Resident) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that consideration of the application be deferred owing to unexpired response time for third parties.

#### 117. UNIT K, WEST QUAY ROAD - 10/01472/FUL

Application for removal of condition 1 of planning permission 07/01214/VC to allow permanent use as a dance studio and variation of condition 4 to extend opening hours from 19.00 - 00.00 (Midnight) to 19.00 - 03.00 on Fridays and Saturdays and additional

day time use of 08.00 - 19.00 Monday - Friday during school holidays. (Departure from Local Plan)

Mr Donahue (Agent) and Mr Rees (Applicant) 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 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 conditional planning approval subject to:-
  - (a) the conditions in the report;
  - (b) the applicant entering into a Section 106 Legal Agreement to secure:-
    1. The continued implementation and monitoring of a travel plan to address the impact of the development;
    2. The use, in the evening, of car parking areas of nearby properties for the benefit of the patrons of the dance studio; and,
    3. A financial contribution towards site specific transport demands, namely a contribution towards Late Night Bus Services; and
- (ii) that the Planning and Development Manager be authorised to refuse permission should the Section 106 Agreement not be completed within 28 days from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

### **REASONS FOR DECISION**

The application constitutes a departure from the Development Plan ('saved' Policy RE1 1 (xiii) of the City of Southampton Local Plan March 2006 and CS7 of the Core Strategy January 2010), but is compliant with the other relevant Policies of the Development Plan set out below. However, on the basis of the low demand for industrial and warehouse use within this centre at this present time and the intention to create a major development quarter to expand the defined city centre boundary under policy CS2 of the Core Strategy it is considered appropriate to this location and to securing the future of the business for full consent to be granted.

Policies - SDP1, SDP5, SDP7 and RE10 xiii of the City of Southampton Local Plan Review (March 2006) and CS3, CS7, CS13, CS19 and CS24 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

### 118. **OPTION TO MODIFY THE DEFINITIVE MAP AND STATEMENT**

The Panel considered the report of the Head of Planning and Sustainability regarding an option to modify the Definitive Map and Statement by adding a footpath at the rear of

Lord's Hill District Centre. (Copy of report circulated with the agenda and attached to the signed minutes).

Ms Toomey (Sainsbury) and Councillor Thomas (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

### **RESOLVED**

- (i) that the conclusions contained in the Safety Report, (Appendix 1), be accepted in that whilst there were risks associated with use of the original footpath, these were minimal and not as severe as to warrant its closure;
- (ii) that subject to Sainsbury's meeting the full cost of the Combined Public Path Diversion Order and all relevant notifications and the resultant works; the original route, now designated a public right of way footpath, be diverted to an alignment as illustrated on Plan 1 contained within the report;
- (iii) that the Solicitor to the Council be authorised to make a Combined Public Path Diversion Order; and
- (iv) that the Planning and Development Manager be authorised to continue to liaise with Sainsbury in order to resolve the issue of the unauthorised palisade fence that has been erected.

NOTE: Councillor Thomas declared an interest and withdrew from the meeting for this item

#### 119. **PUBLIC RIGHTS OF WAY: ANNUAL UPDATE REPORT**

The Panel received and noted the report of the Head of Planning and Sustainability regarding an annual update on the main activities of the Council's Rights of Way function. (Copy of report circulated with the agenda and attached to the signed minutes).

#### 120. **STREET NAMING - GARAGE SITE, GRATELEY CLOSE**

The Panel considered the report of the Planning and Development Manager seeking approval for a street name for the new housing development under construction on the former garage site at Grateley Close, Weston. (Copy of report circulated with the agenda and attached to the signed minutes).

Whilst the officer recommendation was for the name Shire Horse Close; the Panel considered the suggestion proposed by Councillor Slade and seconded by Councillor Thomas, that the name 'Mary Key Close' be used in honour of the former Mayor and Ward Councillor.

**RESOLVED** that the name 'Mary Key Close' be approved for the new housing development under construction on the former garage site at Grateley Close, Weston.