

---

PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 21 JUNE 2011

---

Present: Councillors Jones (Chair), Claisse (Vice-Chair), Mrs Blatchford, Cunio, L Harris, Osmond (Except Minute 13) and Thomas

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

**RESOLVED** that the Minutes of the Meeting held on 24<sup>th</sup> May 2011 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.

13. **AREA HOUSING OFFICE, PARKVILLE ROAD 11/00204/FUL**

Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway.

Mr Lewis, Mr Kiddle, (Applicants), Mr Hopgood, Mr Spinney, Mr Dixon, Mr Piccinino (Local residents), Councillors Osmond, Turner and Vassiliou (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED

RECORDED VOTE

FOR: Councillors Jones, Mrs Blatchford, Claisse, L Harris and Thomas

AGAINST: Councillor Cunio

**RESOLVED** that authority be delegated to the Planning and Development Manager to (i) negotiate/finalise the 'penalty clause' contribution and (ii) amend planning conditions before issue and grant conditional planning approval subject to:-

(a) Confirmation that draft Heads of Terms are acceptable to the applicant prior to the grant of planning permission, and receipt of an undertaking from the Head of Property and Procurement Services that the contract for the sale of Council owned land, the subject of this application, will be conditional upon Bouygues Development and any other landowner entering into a S.106 legal agreement with the Council, prior to the land transfer taking place, to provide the following planning obligations:

- i) An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) in accordance with Local Plan Policy H13(v);
- ii) The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
- iii) The scheme shall make a commencement within 6 months and achieve a shell and core finish within 36 months from the date of the planning permission so as to reflect the current viability assumptions made. In the event that this is not achieved a fresh viability appraisal shall be submitted with any uplift in value (up to an agreed sum) payable to the City Council;
- iv) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping works (including the proposed Stoneham Way service layby and Parkville Road Improvement Scheme with a minimum of 12 parking spaces) under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS18 and CS25;
- v) The funding of Traffic Regulation Orders (TRO) required for the above measures to enable the development to be implemented;
- vi) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements, including the potential for a new/revised UNlink bus route and bus stop serving the development with implementation prior to first occupation, in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- vii) The submission and implementation of a public parking management plan for those spaces along Parkville Road dedicated for public use;
- viii) A Student Car Ownership Restriction as part of any student contract of tenancy shall be agreed and imposed. No student shall be entitled to park on the land. Upon the offer of the place a clear written statement shall be given to the students detailing the implications for their tenancy in the event that they are found to have a car. All student contracts to include the agreed penalty clause wording to the effect that they shall not bring a car to Swaythling Ward whilst living at City Gateway and will be evicted if found to have done so. This will be enforced by the landowner upon receipt of valid evidence. In the event that evidence is provided by residents or the City Council that a resident has access to a car they will be given a warning followed by eviction in the event that the car is still available. In the event that no enforcement is taken by the landowner (to either the evidence provided or the eviction notice) within agreed timescales a breach of planning will have occurred and a financial penalty (to be set and agreed) will be payable to the City Council by the landowner. Reception area to have an up-to-date telephone number with information about when and where breaches can be reported to the freeholder.

- ix) A mechanism for replacing the existing community uses (both during and following the construction phase) in accordance with LDF Core Strategy Policy CS3;
- x) Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS21 and CS25;
- xi) The submission, approval and implementation of public art – possibly to include an art fence - that is consistent with the Council’s Public Art ‘Art People Places’ Strategy;
- xii) Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNlink bus passes to all residents;
- xiii) Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25;
- xiv) Submission and implementation of a TV Reception Study committing to a pre and post construction assessment with off-site mitigation where necessary;
- xv) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
- xvi) A Site Waste Management Plan; and,
- xvii) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- xviii) Agreement of construction vehicle routing.
- xix) Developer shall be responsible for the cost of checking of drawings and construction.

In the event that such an undertaking is not forthcoming within 3 months from the date of this decision that delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure an appropriate mechanism for dealing with the S.106 legal agreement mitigation measures listed above.

(b) the conditions in the report and the amended conditions below:

#### 11 Noise Mitigation and Attenuation

The approved development shall be implemented and completed only in accordance with the recommendations as set out in the applicant’s Noise Assessment dated 28<sup>th</sup> January 2011. Any mechanical acoustic ventilation from noise issues from Thomas Lewis Way shall be ventilated from the roof. Notwithstanding these approved details,

unless otherwise agreed in writing by the Local Planning Authority, windows and ventilation systems shall be provided to achieve the sound reduction levels of:

37dB(A) for living rooms overlooking Stoneham Way  
42dB(A) for bedrooms overlooking Stoneham Way  
37dB(A) for living rooms overlooking Thomas Lewis Way  
43dB(A) for bedrooms overlooking Thomas Lewis Way

**REASON:**

To protect occupants of the student accommodation from traffic and railway noise and to ensure that the amenity of existing residents is not unduly compromised during the implementation phase.

## 17 Landscaping

Notwithstanding the information submitted with the application (and detailed on the Terrafirma plan 1070-101H) no development shall take place (excluding the demolition and site preparation phase) until full details of both hard and soft landscaping for both the roof terraces, landscape buffers, all car parking and the ground floor courtyard area have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- i. a detailed response to the Council's landscape design comments dated 19<sup>th</sup> April 2010;
- ii. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures and ancillary objects (refuse bins etc);
- iii. external lighting (to include type and luminance);
- iv. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- v. a specification for the approved green/brown/biodiverse wall(s) and roof(s) forming the Thomas Lewis Way wing;
- vi. the provision of a 2 for 1 replacement of those trees to be lost (where practicable). The replacement trees shall be of a heavy standard size (12 - 14cm girth) as a minimum and will be planted within the site or at a place agreed in writing with the Local Planning Authority;
- vi. details of any proposed boundary treatment, including the "art fencing" to the south of the approved semi-public communal courtyard at ground floor level and the retained strip along the building's Thomas Lewis Way frontage; and
- vii. A landscaping management plan, including long term objectives, management responsibilities and maintenance schedules for the landscaped areas.

The hard and soft landscaping works shall be carried out in accordance with the details approved. The works shall be carried out before any of the development is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be

planted at the same place, unless the local planning authority gives its written consent to any variation.

**REASON:**

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

**31 Bird Hazard Management Plan (BHMP) - BAA**

Development shall not commence (excluding the demolition and site preparation phase) until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat or shallow pitched roof that may be attractive to nesting, roosting and loafing birds and include details for preventing birds from perching in the window reveals. The BHMP shall comply with BAA's Advice Note 8. The BHMP shall be implemented as approved upon completion of the roof and shall remain in force for the life of the development. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the Local Planning Authority.

**REASON:**

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could otherwise endanger the safe movement of aircraft and the operation of Southampton Airport – BAA comments dated 8<sup>th</sup> March 2011 refer.

**REASONS FOR DECISION**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development has been revised to increase the level of on-site car parking and restrictions on student car ownership are deemed possible. In light of these changes the impact of the development, in terms of visual and neighbour amenity, highway safety and parking are considered to be acceptable for the reasons detailed in the report to the Council's Planning and Rights of Way Panel on 21<sup>st</sup> June 2011. Particular account has also been taken of the third party response to the scheme, the quality of the proposed redevelopment proposals, current market conditions and the overall viability of the scheme. 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, and application 11/00204/FUL should therefore be granted in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13,, SDP14, SDP15, SDP16, SDP17, SDP19, SDP22, NE7, HE1, CLT5, CLT7, H1, H2, H3, H7, H13, REI6 and TI2 and City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS6, CS10, CS11, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS24 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

**NOTE:** Councillor Osmond declared an interest and withdrew from the meeting for the determination of this item.

14. **BOLDREWOOD CAMPUS, BASSETT CRESCENT EAST, UNIVERSITY OF SOUTHAMPTON 11/00499/FUL**

Erection of a decked car park to provide 165 car parking spaces together with the provision of a surface car park (168 spaces) for use in association with the approved uses of Block A of the Boldrewood campus redevelopment as approved under planning permission reference 08/01097/FUL, and/or in association with the Class D1 university use of the buildings and associated access roads and landscaping.

Mr Reay (Agent), Mrs Cowie, Mr Vashisht, Mr Carter, Mr Cowie (Local residents), Mr Moore, Mrs Wawman (East Bassett Residents Association) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Claisse, Cunio, Osmond and Thomas  
AGAINST: Councillor L Harris

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

16 Energy & Water Conservation

Notwithstanding the information submitted with the application, and prior to the commencement of construction works for Car Park 1 (excluding site preparation) hereby approved, the applicant shall submit for approval in writing by the Local Planning Authority, a scheme of measures outlining how the car park will:

- a) minimise its energy and water consumption;
- b) use energy and resources efficiently; and,
- c) safeguard and facilitate the future implementation and utilisation of a campus-wide centralised heating plant (CHP).

Development shall be carried out in accordance with the agreed details and verified in writing by the applicant prior to the first occupation of the development hereby approved.

REASON:

In the interests of maximising the site's contribution towards energy and water conservation.

19 BREEAM Standards – whole Condition to be deleted.

19 Archaeological Investigation

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

REASON

To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

20 Archaeological Work Programme

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

REASON

To ensure that the archaeological investigation is completed.

20 Approved Plans – amended to read Condition 21 (amend numbering to run concurrently).

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The principle of the proposed car park building, and the parking numbers associated with the Lloyds Register and University have already been established by earlier planning permissions. The scheme represents an improvement when compared with the parameters set at the outline stage, and the chosen contemporary design solution is fitting for the site and the recently approved Maritime Centre of Excellence, as detailed in the report to the Planning and Rights of Way Panel on 21<sup>st</sup> June 2011. 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.

Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE6, L7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by policies CS6, CS11, CS13, CS18, CS19, CS20, CS22 of the adopted Local Development Framework Core Strategy (2010) and the Council's current adopted Supplementary Planning Guidance.

15. **36 TAMARISK GARDENS 11/00608/FUL**

Erection of a 2-bed bungalow with associated parking and cycle/refuse storage

Mr Wyles (Agent), Mrs Dicker and Mr Stratford (Local residents) were present and with the consent of the Chair, addressed the meeting.

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

**RESOLVED** that conditional planning permission be granted subject to amended and additional conditions set out below:

Amended condition

11. Amenity space provision

Prior to any development taking place two things shall occur:-

- (1) The fence currently erected along the line on the attached plan marked a-b shall be taken down.
- (2) The garden area to be given over to the curtilage of 36 Tamarisk Gardens, shown cross-hatched on the attached plan, shall be fenced off from the proposed dwelling and made available to the occupiers of 36 Tamarisk Gardens . Once made available to occupiers of No 36 Tamarisk Gardens for use as part of their private garden, that land shall be retained within the curtilage of No. 36 Tamarisk Gardens at all times thereafter.

Prior to the first occupation of the dwelling hereby approved the amenity space shown to serve it on the site plan and the pedestrian access to it for the proposed dwelling shall be made prior to the first occupation of the new dwelling hereby approved and shall be retained all time times thereafter.

**REASON:**

To ensure the provision of adequate amenity space in association with the approved dwelling and the existing dwelling at 36 Tamarisk Gardens.

Additional Condition

17. Replacement Tree

The replacement tree for the TPO'd tree previously removed on health grounds shall be planted prior to the first occupation of the dwelling hereby approved.

**REASON**

In the interests of the visual amenity of the area.

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 21.06.11 do not have sufficient weight to justify a refusal of the application. The proposal has addressed the previous reasons for refusal and appeal decision and where appropriate planning conditions have been imposed to mitigate any harm identified. The proposal would be acceptable in character and design terms and not harm the amenities of the neighbouring occupiers. The parking and access arrangements are also acceptable. 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.



16. **PART OF THE FORMER NEW COLLEGE SITE, CARLTON ROAD / ARCHERS ROAD 11/00350/FUL**

Erection of two residential blocks, part three-storey's, part four-storey's in height to provide 47 dwellings (17 x one-bedroom 12 x two-bedroom and 18 x three-bedroom) with associated parking (30 spaces as amended including 2 for the disabled), access and landscaping.

Mr Reay (Agent), Mr O'Brien (Applicant) and Mr Mullins (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 PLANNING PERMISSION WAS CARRIED UNANIMIOUSLY

**RESOLVED** that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-

- (a) The completion of a S.106 Legal Agreement to secure the following heads of terms:
  - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in accordance with polices CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
  - ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area in accordance with policies CS18 & 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);
  - iii. Financial contributions towards the relevant elements of public open space required by the development in line with polices 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) regard to
    - Amenity Open Space ("open space");
    - Play Space and;
    - Playing Field.
  - iv. Provision of affordable housing in accordance with Policies CS15, CS16 & 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);
  - v. 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;
  - vi. The provision of an expressly dedicated public right of way route between the western and eastern site boundaries.

- vii. A training and employment plan.

In the event that the legal agreement is not completed within two months the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

- (b) the conditions in the report and the amended conditions set out below:

Delete condition 10.

### 3 Landscaping, lighting and means of enclosure detailed plan

The details set out in drawing 3310-101 Rev A shall be fully implanted as part of the development hereby approved. Further details relating to the following matters shall be submitted before the commencement of any site works, including:

- i. means of enclosure including alterations and making good of existing boundary walls to be retained and measures to be installed at either end of the east – west cycle/pedestrian route between the approved northern and southern blocks to prevent motor-cyclists using that route, but still allow a person pushing a pram/child buggy to traverse that route;
- ii. hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.); and,
- iii. defensible planting to the ground floor private amenity space areas.

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 hard and soft landscaping scheme (including parking and any approved details for items i-iii above) for the whole site 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.

### 5 Code for Sustainable Homes Residential Development

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least 15% in category Ene1 and at least 1 credit in Wat1 - (informed by the commitment to greywater recycling measures, of surface water run-off from the building and hard surfaced areas

within the site - set out in the applicant's design and access statement), 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 assessment and certificate as issued by a legitimate 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) also having regard to the commitment to greywater recycling given in the applicant's design and access statement.

**17 Amenity Space Access**

The communal garden areas shown on the site plan, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the flats hereby permitted and shall be retained with access to it at all times for the use of all occupiers of the development. The private garden areas, balconies and roof terraces shown on the approved plans shall be provided before the first occupation of each relevant associated dwelling and thereafter retained at all times thereafter.

**REASON:**

To ensure the provision of adequate amenity space in association with the approved dwellings.

(N.B. re-numbered as 17 owing to deletion of Condition 10 set out in recommendation to the report – amend numbering to run concurrently).

**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 21.06.11 do not have sufficient weight to justify a refusal of the application. The proposal has addressed the previous reasons for refusal and 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.

17. **1 GLEN EYRE ROAD 11/00706/FUL**

Erection of a single-storey rear extension and change of use from dwelling house (C3) to house of multiple occupation (sui-generis). Resubmission of planning application.

Dr Coleman (Applicant), Mr Cox and Mrs Wawman (East Bassett Residents Association) were 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 LOST.

RECORDED VOTE:

FOR: Councillors Jones and Mrs Blatchford  
AGAINST: Councillors Claisse, Cunio, L Harris and Osmond  
ABSTAINED: Councillor Thomas

A FURTHER MOTION PROPOSED BY COUNCILLOR CLAISSE AND SECONDED BY COUNCILLOR CUNIO "THAT THE APPLICATION BE REFUSED FOR THE FOLLOWING REASONS" WAS CARRIED

**Reason for Refusal - Unacceptable Intensification of use**

The change of use of the property from a 5 bedroom C4 house in multiple occupation to a 7 bedroom house in multiple occupation (HMO) will result in an unacceptable intensification in the use of the property. This would be to the detriment of the character of the area and the amenity of nearby residents by reason of increased additional general activity/noise/disturbance and taking into account the number of existing HMO's already in the area (cumulative impact). The proposal is therefore contrary Policies SDP1 (i), SDP7 (v) and H4 (i) and (ii) of the City of Southampton Local Plan Review (March 2006) and policy CS16 (3) of the Local Development Framework Core Strategy (January 2010).

RECORDED VOTE:

FOR: Councillors Cunio, Claisse and L Harris  
AGAINST: Councillor Jones and Mrs Blatchford  
ABSTAINED: Councillor Thomas

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

18. **ARRANGEMENTS FOR PRE-APPLICATION CONSULTATION FOR THE BIOMASS PLANT AT SOUTHAMPTON PORT**

The Panel considered the report of the Head of Planning and Sustainability seeking approval of the proposed arrangements for pre-application consultation, as set out in the revised draft Statement of Community Consultation and Community Consultation Strategy. (Copy of report circulated with the agenda and attached to the signed minutes).

Mr Galton (Local resident) was present and with the consent of the Chair, addressed the meeting.

**RESOLVED that:**

- (i) the proposed arrangements for pre-application consultation, as set out in the revised draft SoCC and CCS be agreed and reported to the IPC and Helius Energy as acceptable;
- (ii) that the following be included in the list of as part of the consultation process:
- The Inner Zone should include Redbridge and Shirley wards;
  - Solent University, SUSTRANS, Solent LEP, Hampshire Chamber of Commerce, to be added as stakeholders;
  - All City Councillors to receive an invite to the public meetings as part of the consultation process;
  - Name of Marchwood Ward Councillors to be checked;
  - Councillor Matthews is now Mayor of Southampton;
  - At least 2 weeks notice be given for any public event;
  - All exhibition venues to be fully accessible;
  - Exhibitions to focus on public safety issues;
  - Advertising to be at staggered times in the local press;
  - Events to be staggered over more than a 4 week period;
  - Consultation leaflets to be drafted in consultation with the No Southampton Biomass Group and City Council;
  - All invites and correspondence to provide the correct comment form or weblink to enable easy response.
- (iii) an appropriately scaled model of the existing site and the proposed scheme(s) be made available at each consultation event.

19. **68-70 AND 80-84 PORTSWOOD ROAD 11/00393/FUL**

Redevelopment of the site. Demolition of the existing buildings and erection of three x 4-storey buildings to provide 43 flats (18 x 1-bed, 22 x 2-bed and 3x 3-bed) and 9 x 3-storey houses (2 x 2-bed, 3 x 3-bed and 4 x 4-bed) with associated access, parking and landscaping.

Mr Edmond (Agent), Mr Stout (Local resident) and Councillor Vinson (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 PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 AGREEMENT, THE DETAILS OF WHICH TO BE AGREED BY OFFICERS, WAS CARRIED.

RECORDED VOTE

FOR: Councillors Jones, Claisse, Cunio, L Harris, Osmond and Thomas  
ABSTAINED: Councillor Mrs Blatchford

**RESOLVED** that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-

- (a) The completion of a S.106 Legal Agreement to secure the following heads of terms:

- i. Financial contributions towards site specific highway improvements in the vicinity of the site in accordance with polices CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- ii. A financial contribution towards strategic transport improvements in the wider area in accordance with policies CS18 & 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);
- iii. Financial contributions towards the relevant elements of public open space required by the development in line with polices 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) with regard to
  - Amenity Open Space (“open space”);
  - Play Space and;
  - Playing Field.
- iv. Provision of affordable housing in accordance with Policies CS15, CS16 & 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);
- v. 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;
- vi. The submission of a lorry routeing plan including the timing and routes for construction traffic;
- vii. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & 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);
- viii. The restriction of parking permits for the surrounding streets for the future occupants of the development and;
- ix. The consultation and implementation of a Traffic Regulation Order to prevent parking in the new access road and adjacent to the site entrance to ensure a refuse vehicle can turn on site.
- x. Submission and implementation of a Waste Management Plan.

That the Planning and Development Manager be delegated powers to vary relevant parts of the Section 106 agreement and to add or vary conditions as necessary as a result of further negotiations with the applicant.

In the event that the legal agreement is not completed within two months the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

(b) the conditions in the report and the amended condition set out below:

### 3 Landscaping, lighting and means of enclosure detailed plan

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate, including defensible planting/privacy screening to the ground floor private amenity space areas including to the rear elevation of 78 Portswood Road;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

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 hard and soft landscaping scheme (including parking) for the whole site 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

#### REASONS FOR DECISIONS

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 21.06.11 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the

amenities of the neighbouring properties. 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 taking 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, CS16, 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.

20. **88-94 PORTSWOOD ROAD 11/00313/FUL**

Redevelopment of the site to provide 7 flats (1 x 3-bed, 1 x 4-bed and 5 x 5-bed) with 2 ground floor lettings agents (Use Class A2) and 2 x 5-bedroom houses in three and four storey buildings following demolition of the existing buildings. Residential units to be either use class C3 (single family dwelling) or use class C4 (House in Multiple Occupation).

Mr Edmond (Agent), Mr Stout (Local resident) and Councillor Vinson (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 PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 AGREEMENT, THE DETAILS OF WHICH TO BE AGREED BY OFFICERS, WAS CARRIED

RECORDED VOTE

FOR: Councillors Jones, Mrs Blatchford, Osmond and Thomas

AGAINST: Councillors Claisse, Cunio and L Harris

**RESOLVED** that authority be delegated to the Planning and Development Manager to grant planning approval subject to the completion of a S106 Legal Agreement, the details of which to be agreed by officers in light of the submitted viability appraisal:

- (a) The completion of a S.106 Legal Agreement to secure the following heads of terms:
  - i. Financial contributions towards site specific highway improvements in the vicinity of the site in accordance with policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
  - ii. A financial contribution towards strategic transport improvements in the wider area in accordance with policies CS18 & 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);



- iii. Financial contributions towards the relevant elements of public open space required by the development in line with polices 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) with regard to
  - Amenity Open Space (“open space”);
  - Play Space and;
  - Playing Field.
- iv. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- v. 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;
- vi. The restriction of parking permits for the surrounding streets for the future occupants of the development.
- vii. Submission and implementation of a Waste Management Plan.

In the event that the legal agreement is not completed within two months the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

- (b) the conditions in the report and the amended and additional conditions set out below:

#### Amended Condition

##### 4 Code for Sustainable Homes

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least 15% in category Ene1, 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 assessment and certificate as issued by a legitimate 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

##### 25 Access to Dwellings

The ramped pedestrian access to the dwellings to the rear of the site shall be provided in accordance with the plans hereby approved before the development first comes into

occupation. Before the development is first brought into occupation, the access path shall be lit, surfaced and secured in accordance with details to be submitted to the Local Planning and agreed in writing and retained in accordance with these details thereafter, unless otherwise agreed in writing.

**REASON:**

To provide a satisfactory residential environment

**26 Privacy Screens**

Prior to the development first coming into occupation, privacy screens to the upper level roof terraced shall be installed in accordance with details to be agreed by the Local Planning Authority in writing. The screens shall thereafter be retained as approved.

**REASON:**

In the interests of the privacy of the occupiers of the neighbouring mosque.

**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 21.06.11 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. 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 taking 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, CS16, 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.