
SOUTHAMPTON CITY COUNCIL
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 18 FEBRUARY 2014

Present: Councillors Mrs Blatchford (Chair), Claisse, Cunio (Vice-Chair), L Harris, Lewzey, Lloyd (Except agenda item 6 / Minute 98) and Norris

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

RESOLVED that the minutes of the meeting held on 14th January 2014 be approved and signed as a correct record.

97. **13/01536/MMA - 3 ABBOTTS WAY**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Minor material amendment sought to planning permission reference 11/02039/FUL including alterations to windows and doors, and reduction in width of Dormer Windows.

Professor Borodzicz and Dr Buckle (local residents / objecting), and Councillor Vinson (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a correction to paragraph 5.1 of the report that 19 objections have been received" not 24 as stated in the report; and amendments to Conditions 1 and 2.

Amended Conditions

CONDITION 1 - REGULARISATION MATERIALS

Unless within one month of the date of this decision details of the external materials to clad the dormers hereby approved (including samples if the LPA require them to be submitted) shall be submitted in writing to the local planning authority for approval, and unless the approved scheme is *carried out and completed* within one month of the local planning authority's approval, the occupation of the development approved shall cease until such time as details of the external materials referred to above have been submitted, approved and the works completed to the written satisfaction of the local planning authority (such consent not to be unreasonably withheld or delayed).

REASON

As the approved works will regularise a breach in planning control within a conservation area, and to ensure that the existing dormers finished in a high quality cladding material within a maximum period of 2 months from the date of this permission.

CONDITION 2 – REGULARISATION WINDOWS

Unless within one month of the date of this decision the occupation of the development approved shall cease until such time as the opening lights in the east facing dormer hereby approved are fitted as bottom hinged opening only whilst being obscured glazed and restricted opening to no more than 5cm and, thereafter, the opening lights shall be permanently retained in that condition thereafter and the central opening light in the east facing dormer shall be permanently retained fixed shut at all times.

REASON:

As the approved works will regularise a breach in planning control to remedy the loss of privacy of adjacent windows being overlooked at 5 Abbotts Way, and to ensure that the alterations to the opening lights are completed within a maximum period of 1 month from the date of this decision.

RESOLVED to **refuse** planning permission for the reasons set out below:

Reasons for Refusal

The proposed dormer window is not significantly different to that previously refused (13/00693/MMA) and remains un-neighbourly and visually dominant resulting in a sense of overlooking and loss of privacy for adjacent occupiers contrary to paragraph 18 of the Inspectors decision notice dated 24 July 2012 (APP/D1780/A/12/2171564) and Policy SDP1 (i) of the City Of Southampton Local Plan Review 2006.

RECORDED VOTE to **refuse** planning permission

FOR: Councillors Claisse, Cunio, Harris, Lloyd and Norris
AGAINST: Councillor Mrs Blatchford
ABSTAINED: Councillor Lewzey

98. **13/01912/FUL - TESCO EXPRESS, BUTTS ROAD**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Installation of an ATM.

Mr Lawrence (agent) and Mrs Wilcox (local resident / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to Condition 2.

The Panel requested an additional condition to remove the exterior 24 hour cash signage.

Amended Condition

02. APPROVAL CONDITION – Hours of Operation. [Performance Condition]

The ATM to which this permission relates shall not operate outside the following hours:
Monday to Sunday 06.00 hours to 23.00 hours (6.00am to 11pm)

REASON:

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

Additional Condition

04. APPROVAL CONDITION – Signage [Performance Condition]

Any signage associated with the ATM hereby approved shall clearly indicate the authorised operational hours of the ATM unless otherwise agreed in writing by the Local Planning Authority.

REASON:

For the avoidance of doubt and in the interest of the amenities of neighbouring occupiers.

RESOLVED to **refuse** planning permission for the reason set out below:

Reasons for Refusal

The proposed introduction of an external ATM would be likely to result in increased activity leading to an increase in disturbance through noise, general activity and a potential for an increase in crime and anti-social behaviour that would be harmful to the residential amenity of the surrounding area. The proposal would therefore be contrary to Policy SDP1(i) of the City of Southampton Local Plan Review (Adopted version March 2006) and s.17 of the Crime and Disorder Act, 1998.

RECORDED VOTE to **refuse** planning permission

FOR: Councillors Mrs Blatchford, Claisse, Cunio, Harris and Norris

AGAINST: Councillor Lewzey

NOTE: Councillor Lloyd was absent for this item.

99. **13/01850/FUL - 382 PORTSMOUTH ROAD**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Change of use from a dwelling house (class C3) to either a HMO for up to 6 persons (class C4), or a dwelling house (class C3)

Mr Wilson (current property owner), Mr Adair (agent), Mr Banham and Mr Macauley (local residents / objectors) and Councillor Jeffrey (ward councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported receipt of an additional letter of representation.

RESOLVED to **refuse** planning permission for the reason set out below:

Reasons for Refusal

The proposed change of use and activity associated with it, by reason of the semi-detached nature of the property and the potential intensification of use, would be

detrimental to the amenities of neighbouring occupiers and the character of the local area. The proposal would also result in the loss of a family dwelling for which there is a proven demand. The proposals are therefore contrary to SDP1(i) and H4 of the City of Southampton Local Plan Review (1996) and Policy CS16 of the Core Strategy (2010).

RECORDED VOTE to **refuse** planning permission

FOR: Councillors Mrs Blatchford Claisse, Cunio, Harris, Lloyd and Norris

AGAINST: Councillor Lewzey

100. **14/00012/FUL - 104 ABOVE BAR STREET**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Change of use of ground floor from Mixed Retail/Office (Class A1/B1) to Financial and Professional Services (Class A2) and new entrance door.

RESOLVED that planning permission be granted subject to the conditions listed in the report.

101. **13/02010/FUL - LAND BETWEEN 7-9 DARLINGTON GARDENS**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Variation of Condition 4 of Planning Permission Reference 11/01872/FUL to remove the personal restriction of the use of the garage.

Mr Donohue (agent), Mr Eagles, Mr Jackson and Mrs Williams (local residents / objecting) and Councillor Kaur (ward councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported receipt of a letter removing a signatory from the petition referred to in paragraph 5.1 of the report and an amendment to Condition 1.

The Panel agreed a change to the recommendation to delegate authority to officers and requested an additional condition regarding the use of a generator on site.

RESOLVED that planning permission be **granted** subject to the amended recommendation that the Planning and Development Manager be given delegated powers to **grant** planning permission subject to the conditions in the report and the amended and additional conditions set out below.

Amended Condition

01. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition].

No windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

REASON:

To protect the amenities of the adjoining residential properties

Additional Condition

04. APPROVAL CONDITION - Restriction of internal equipment, [Performance Condition].

At no time shall machinery, including a generator, be used on the site which is audible from outside of the site boundaries.

REASON

To protect nearby residential amenity.

102. **13/01828/FUL - CHANTRY HALL (165 ST MARY STREET AND FORMER CHANTRY HALL SITE, CHAPEL ROAD, SO14 5NH)**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Redevelopment of the site to provide 59 flats (9 x one bedroom, 46 x two bedroom and 4 x three bedroom) in a building ranging in height from 3-storeys to 6-storeys with associated parking and landscaping (Development not in accordance with conditions 19 and 27 of planning permission reference 12/01953/FUL relating to Code for Sustainable Homes).

Mr Gasson (applicant) was present and with the consent of the Chair, addressed the meeting.

The Panel noted that this item had been deferred from the meeting held on 14th January 2014 to allow further work to be undertaken on the Code for Sustainable Homes assessment. This additional information had now been submitted and was addressed in the report.

RESOLVED

- i) that the Planning and Development Manager be given delegated powers to grant planning permission subject to the completion of a variation to the S.106 Legal Agreement to secure the same heads of terms as set out in Appendix One to the report;
- ii) that in the event that the legal agreement is not completed within two months of the Panel meeting, 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; and

- iii) that the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

103. **13/01650/FUL - BACK OF THE WALLS**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Redevelopment of the site, erection of a part 6-storey and part 9-storey building (including lower ground floor level) to provide a Student Hall of Residence (350 Rooms) with associated facilities, a cafe (Class A3) with associated parking and vehicular access from Canal Walk.

Miss Tourle (agent) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that a further two letters of objection had been received.

The Panel agreed an amendment to clause vi of the Section 106 Agreement.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report, and the amendment to the S106, set out below;
- ii) that in the event that the legal agreement is not completed within two months of the Panel meeting, 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; and
- iii) that the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Amendment to S106 Agreement

- (iv) Submission and implementation within a specified timescale of a Travel Plan to include arrangements for student move in and move out days.

104. **REMOVAL OF THREE TREES IN MAYFLOWER PARK**

The Panel considered the report of the Head of City Services, recommending the removal of three trees in Mayflower Park, Town Quay, to enable highway improvement works, and their replacement with six new trees. (Copy of the report circulated with the agenda and appended to the signed minutes).

The presenting officer reported that since the report had been published a letter of objection had been received regarding the perceived loss of community open space available to the public. The Panel noted that whilst improvements to the boundary were

proposed, the boundary itself would not be changed. It was also noted that the road improvement scheme had already received approval following public consultation as set out in the report, and the objection was therefore late.

RESOLVED

- (i) that the removal of three trees to enable the highway improvement works be approved; and
- (ii) that the provision of six new trees; replacement tree species, size and specific planting location and layout to be agreed with a Senior Tree Officer, be approved.

105. **PUBLIC RIGHTS OF WAY ANNUAL UPDATE REPORT**

The Panel received and noted the report of the Head of Legal and Democratic Services providing an update on the main activities of the Rights of Way function since its last annual report to the Panel, and some of the current key issues affecting the Rights of Way function. (Copy of the report circulated with the agenda and appended to the signed minutes).

The Panel noted the following updates from the presenting officer to the report:

- that the year referred to in third line of paragraph 3 of the report (Reasons for Report Recommendations) should be 2013 not 2012;
- the following updates to Appendix 1 were also noted:
 - (i) that with regard to the public notification for the public path diversion order at Lidl's Distribution Centre at Redbridge referred to in paragraph 4.2; the objections from local residents had been withdrawn and that the diversion order would therefore be confirmed on 26th February 2014 and public press notice would appear on Friday, 28th February 2014;
 - (ii) that with regard to the pre-application referred to in paragraph 4.3 relating to the diversion of the footpath between Central and Millbrook Stations; Network Rail had started a stakeholder consultation which was currently at the early stage of gathering data on local consultees;
 - (iii) that with reference to the changes the Law Society is proposing to the forms used as the basis for Land Charges Searches referred to in paragraph 6.5, there were to be additional questions regarding applications to register land as common, town or village green and that a new register was to be set up under amendments to the Commons Registration Act 2006.

RESOLVED that the report and the updates to the report be noted