
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 24 APRIL 2018

Present: Councillors Denness (except Minute number 70) (Chair), Savage (Vice-Chair), Barnes-Andrews (except Minute number 70), Claisse, Hecks, Murphy and Wilkinson

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

RESOLVED: that the minutes for the Panel meeting on 13 March 2018 be approved and signed as a correct record.

68. **PLANNING APPLICATION - 18/00347/FUL - 128 -130 WEST END ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Change of use from a drinking establishment (Class A4) to flexible use within A1, A2, A3 or A4 (Retail, financial, professional services, restaurants, cafe and drinking establishments).

Michelle Baker, Alan Lloyd (local residents/ objecting), and Councillor Letts (Bitterne Ward Councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported some minor changes to conditions as set out below. In addition it was noted that the price that of £51,000 set out the report as the sale price should have been £510,000. Concern was raised that there were no clear plans for the site and that amending the designated use would open up the opportunity for the potential for a fast food restaurant. The Panel requested that additional amendments be made to conditions, set out below, be added to limit the opportunity for the potential for a takeaway restaurant element on site. Due to the level of public interest in the site Members requested that officers contact the Planning Inspectorate to request the Informal Hearing procedure for the appeal which has been lodged against the decision to refuse residential redevelopment on this site (Ref 17/00750/FUL).

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission

FOR: Councillors Denness, Barnes-Andrews, Claisse and Savage

ABSTAINED: Councillors Hecks, Murphy, and Wilkinson

RESOLVED that

- (i) the Panel approved the change of use from a drinking establishment (Class A4) to flexible use within A1, A2, A3 or A4 (Retail, financial, professional services, restaurants, cafe and drinking establishments), subject to the

conditions set out in the report and the additional and amended conditions set out below.

- (ii) That officers be requested to contact the Planning Inspectorate to request the Informal Hearing procedure for the appeal which has been lodged against the decision to refuse residential redevelopment on this site (Ref 17/00750/FUL).

Amended Conditions

04. APPROVAL CONDITION - Floorspace flexibility

The units can flip between the agreed uses and this "dual A1 (retail) and/or A2 (financial and professional) and/or A3 (restaurant) and/or A4 (drinking establishment) " hereby permitted for the development shall, under Class V Part 3 Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015 (as amended), be for a limited period of 10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority. If the building is occupied for A3 use and notwithstanding the provisions of Class C Part 3 Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015 (as amended), no ancillary hot food takeaway shall be prepared or sold from the premises.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use. Insufficient evidence has been provided in order to demonstrate that ancillary hot food take-away will not lead to adverse noise, disturbance, anti-social behaviour and litter impacts having regard to the proximity to nearby residential properties.

05. APPROVAL CONDITION - Servicing Management

If the building is to be occupied for A1 retail use, the use shall not commence until a servicing management plan is submitted to the Local Planning Authority and agreed in writing. The servicing management plan shall include details of the maximum length of vehicle to service the site and shall demonstrate that servicing vehicles can enter and leave the site in a forward gear. The development shall be implemented and retained in accordance with the agreed servicing management plan.

Reason: In the interests of highway and pedestrian safety.

69. **PLANNING APPLICATION - 17/02378/FUL - MILLBROOK TRADING ESTATE**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Environmental and highway improvements including additional parking to existing verges, new parking layout to existing car park and new landscape (renewal of expired planning consent ref: 13/01962/FUL)

Lisa Jackson (agent) and Councillors McEwing and Pope (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer noted that Councillor Pope had submitted a number of objections to the application. However it was noted that objections to the application had been withdrawn by the Southampton Cycling Campaign and CTC (Cycling UK). The presenting officer reported some amendments to the report noting that the existing number of spaces was 56 and not 65 as the report stated and that therefore the total of spaces would be 86. In addition the officer noted the need for an amendment for the landscaping condition and that 3 further conditions to be added, as set out below.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission

FOR: Councillors/s Denness, Claisse, Hecks, Savage and
Wilkinson

ABSTAINED: Councillors Barnes-Andrews and Murphy

RESOLVED that Planning permission be approved subject to the conditions within the report and any additional or amended conditions set out below.

ADDITIONAL CONDITIONS

APPROVAL CONDITION - Amended Plan (Pre-Commencement Condition)

Notwithstanding the layout shown on drawing 428-06E, prior to commencement of development, at the request of the City Council, a revised plan showing the parking layout and that there will be sufficient space to achieve a cycle freeway of 3m width on the north side of Second Avenue shall be submitted to and approved in writing by the Local Planning Authority and the development hereby approved shall be completed and retained in accordance with the revised plan.

Reason: In the interests of sustainable travel, in particular cycle infrastructure improvements.

APPROVAL CONDITION - Car Parking Layout (Performance Condition)

The approved parking layout shall be marked out in full prior to its first use in accordance with the agreed/amended scheme, or in accordance with an alternative timescale that shall have been agreed with the Local Planning Authority prior to the commencement of development. The agreed parking scheme shall be retained as agreed.

Reason: In the interests of highways safety and visual amenity.

APPROVAL CONDITION - Bollards (Pre-Commencement Condition)

Prior to the commencement of the development details of bollards (design and position within the site) separating the site from Second Avenue shall be submitted to and approved in writing by the Local planning Authority. Once approved the development shall be carried out in accordance with agreed details.

Reason: In the interests of Highways Safety.

AMENDED CONDITION

APPROVAL CONDITION - Landscaping, detailed plan (Pre-Commencement)

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; hard surfacing materials;
- (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;
- (iii) Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance) and can be off site on Council owned land if required; and
- (iv) a landscape management scheme.

The approved hard and soft landscaping scheme for the whole site shall be carried out prior to use of the site in association with the hereby approved permission and 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.

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.

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

COUNCILLOR SAVAGE IN THE CHAIR

70. PLANNING APPLICATION - 17/01669/FUL - 4 PRIMROSE ROAD

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Erection of part single storey, part two-storey rear extension (retrospective)

Dr Bragg (local resident objecting), Mr Sihota (applicant), were present and with the consent of the Chair, addressed the meeting.

The presenting officer noted that Councillor Barnes-Andrews and Denness had both given their apologies for the site visit on 7th March 2018.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was lost.

A further motion to refuse to grant conditional planning permission authority, for the reasons set out below, was then proposed by Councillor Hecks and seconded by Councillor Savage.

RESOLVED

- (i) to refuse planning permission for the reasons set out below.
- (ii) that the Panel instructed officers to refer the item to the Council Planning Enforcement Team

Reasons for Refusal

Design & Impact on Neighbouring Amenity

The extension built on site differs from that approved under LPA ref: 16/00346/FUL and demonstrates poor design; in terms of the use of non-matching materials, and reduces the residential amenity of the neighbours at 2 Primrose Road in terms of a poor visual impact, with a single storey extension – with an eaves line that is 750mm taller than approved - that presents an overbearing impact to this neighbour when viewed from the property and its garden. The development is, therefore, considered to detrimentally affect this neighbour's outlook and residential amenity. As such, the unauthorised development has been assessed as contrary to Policy SDP1(i) of the adopted City of Southampton Local Plan Review (amended 2015) and Policy SDP13 of the adopted Local Development Framework Core Strategy (amended 2015) as supported by the relevant sections of the Council's approved Residential Design Guide Supplementary Planning Document (2006), which seek to secure good design whilst protecting existing residential amenity.

NB Councillors Barnes-Andrews and Denness withdrew from the meeting as they had not attended the site visit.

In the event that a householder appeal is lodged in respect of this application it is understood that no further evidence can be provided by the Local Planning Authority. The Planning Panel were unable to support the scheme, or the officer's recommendation to support with conditions requiring additional work, for the reason given above. On this basis the Planning Inspector is respectfully requested to review the Council's reason for refusal in light of the following paragraphs of the Council's Residential Design Guide – adopted as a Supplementary Planning Document in 2006 following a full round of public consultation – 2.1.4, 2.2.1, 2.2.18, 2.2.19, 2.5.1 and 2.5.5.

COUNCILLOR DENNESS IN THE CHAIR

71. PLANNING APPLICATION - 12/00596/FUL - BROWNHILL WAY/BROWNHILL RD

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that authority be delegated to enter into a Deed of Variation in respect of an application for a proposed development at the above address.

The erection of 14 two-storey houses (12 x three bedroom and 2 x two bedroom) with associated parking, vehicular access from Lower Brownhill Road and space for a children's play area.

Mark Hewitt (Agent) and Councillors McEwing and Pope (Ward Councillor, objecting) were present and with the consent of the Chair addressed the meeting.

The presenting officer reported that an objection had been received by Councillor Pope.

The Panel then considered the officer recommendation to delegate to the Service Lead – Infrastructure, Planning and Development to agree a deed of variation to the Section 106 Agreement dated 30 August 2013 to reduce the affordable housing provision, on viability grounds, to the provision of one (1) on-site unit, and a financial contribution amounting to £25,000. Upon being put to the vote the recommendation was lost.

A further motion to delegate approval to the Service Lead: Infrastructure, Planning and Development to negotiate a Deed of Variation with the developer for two (2) affordable housing units was then proposed by Councillor Savage and seconded by Councillor Barnes-Andrews.

RECORDED VOTE to delegate authority to the Service Lead: Infrastructure, Planning and Development to negotiate and enter into a deed of variation.

FOR: Councillors Savage, Barnes-Andrews, Claisse
Murphy and Wilkinson

ABSTAIN: Councillors Denness and Hecks

RESOLVED that the Panel delegated to Service Lead: Infrastructure, Planning and Development authority to negotiate a Deed of Variation with the developer for two (2) affordable housing units and vary the Section 106 accordingly.