
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 23 APRIL 2019

Present: Councillors Savage (Chair), Coombs (Vice-Chair), L Harris, Mitchell, Murphy and Wilkinson

Apologies: Councillors Claisse

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

RESOLVED: that the minutes for the Panel meeting on 2 April 2019 be approved and signed as a correct record.

75. **PLANNING APPLICATION - 18/02309/FUL- 142-144 BUTTS 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.

Proposed change of use of part of the ground floor from retail (A1 use) to hot food takeaway (A5 use) with installation of rear extraction flue and alterations to the shop front.

Jill Wilcox (local residents/ objecting) and Richard Goodall (agent), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the police were consulted and had not responded with any concerns about the application. It was noted that the applicant had submitted a parking survey in relation to the proposal. The presenting officer explained that the applicant had agreed to the imposition of pre-commencement/occupation conditions with the exception of Condition 3 (Servicing Management Plan). However, this had only been verbally agreed and not agreed in writing. As such the recommendation was amended to delegate to the Service Lead to approve the application once this confirmation was received or to otherwise refuse the application if such agreement was not forthcoming.

It was noted that the officer report should have referred to the National Planning Policy Framework (2019).

The Panel then considered the amended officer recommendation to delegate permission to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED

- (i) that authority to grant planning permission be delegated to the Service Lead-Planning, Infrastructure and Development approved subject to the conditions set out within the report and any additional or amended conditions set out below; and
- (ii) that authority be delegated to the Service Lead-Planning, Infrastructure and Development to refuse the planning permission should no written agreement

be received to confirm the applicants acceptance of the amended service management plan.

Amended recommendations

CONDITION 3 SERVICING MANAGEMENT PLAN (PRE-OCCUPATION)

Prior to the first occupation of the use hereby approved a servicing management plan shall be submitted to the Local Planning Authority to include details of how the servicing arrangement for the premises will be undertaken. Any management plan will include a restriction of deliveries to the property outside of the following hours:

08:00-19:00 (8AM-7PM)

The development shall be implemented in accordance with the approved details and maintained as such thereafter.

REASON: To ensure highways safety and the amenities of nearby occupiers.

CONDITION 5 NOISE PLANT AND MACHINERY

The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and maintained as such thereafter.

REASON: To protect the amenities of the occupiers of existing nearby properties

Additional Condition

CYCLE STORAGE FACILITIES (PRE-OCCUPATION CONDITION)

Before the development hereby approved first comes into occupation, 2 bicycle parking spaces shall be provided to the Butts Road frontage of the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

REASON: To encourage cycling as an alternative form of transport and to restrict forecourt parking and associated highway safety issues

COUNCILLOR COOMBS IN THE CHAIR

76. PLANNING APPLICATION - 18/02308/FUL - UOS BOLDREWOOD CAMPUS

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.

Installation of two new winches and associated enclosures, relocation of roof access stairs, existing chemical store and access door.

Jacqueline Cowie, Timothy Hope and Edward Carter (local residents/ objecting), Robin Reay (agent), were present and with the consent of the Chair, addressed the meeting.

The presenting officer informed the Panel, for clarity, that the applicant was the University of Southampton. The officer also confirmed that all references to the National Planning Policy Framework in the officer's report should be to the 2019 amendment and confirmed that Local Plan Policy L7 was applicable. The Panel noted that officer

sought to amend the wording of Condition 2 to enable testing to take place once the development was operational

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 planning approval for the reasons set out below was then proposed by Councillor Harris and seconded by Councillor Wilkinson.

RECORDED VOTE

FOR: Councillors L Harris, Murphy and Wilkinson

AGAINST: Councillors Coombs and Mitchell

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

Reason for Refusal

NOISE, DISTURBANCE AND IMPACT ON EXISTING RESIDENTIAL AMENITY

The introduction of the proposed development on a 24 hour basis throughout the week, and its associated activity, will give rise to additional noise and disturbance to residents of Oakland Way in a manner that will be detrimental to their existing amenity, particularly throughout the night. As such the development cannot be supported in its current form and has been assessed as contrary to saved policies SDP1(i) SDP1(i), SDP7(iii) and (v), SDP9(v) of the adopted City of Southampton Local Plan Review (as amended 2015).

NOTE: Councillor Savage declared a pecuniary interest and withdrew from the meeting.

COUNCILLOR SAVAGE IN THE CHAIR

77. PLANNING APPLICATION - 19/00189/FUL - 47 GAINSFORD 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 dwelling house (class C3) to a flexible use as a dwelling house (class C3) or a small house in multiple occupation (6-bed HMO, class C4) (amended to flexible C3/C4 use after validation)

Peter Hunter, Sharon Carroll, Michael Watson, Siegfried Franz (local residents/ objecting), Martin Hughes (applicant) and Councillors Keogh and Houghton (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that an additional objection had been received since the publication of the report, In addition the applicant had clarified the parking arrangements. It was noted that the applicant had suggested that the length of the garage could be altered to allow for cycle storage however the Panel requested that the condition relating to cycle storage be amended to enable the cycle storage to be at the rear of the building, 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 Savage, Coombs, Mitchell and Murphy
AGAINST: Councillors L Harris and Wilkinson

RESOLVED that planning permission be approved subject to the conditions set out within the report and the amended condition set out below:

Amended Condition

CYCLE AND BIN STORAGE

Prior to the commencement of development, details of cycle storage, together with the access to it (which shall include a cycle ramp/gully to any affected steps), shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. The storage for bins shall be provided and made available for use in accordance with the plans hereby approved before the development is first occupied and shall thereafter be retained as approved.

REASON: To encourage cycling as an alternative form of transport and in the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties.

78. **PLANNING APPLICATION- 19/00122/FUL- 129 LUDLOW 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 dwelling house (class C3) to a house in multiple occupation (HMO, class C4)

Elizabeth Pritchard (applicant) and Councillor Keogh (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported *that a parking survey* had been received that indicated that spaces were available in the area.

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 Savage, Coombs and Mitchell
AGAINST: Councillors L Harris and Wilkinson
ABSTAINED: Councillor Murphy

RESOLVED that planning permission be approved subject to the conditions set out within the report.

79. **PLANNING APPLICATION - 18/01291/FUL-LAND R/O 53 THOROLD ROAD**

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

Erection of a two storey detached 4 x bed dwelling with rear terrace and associated car parking, refuse and cycle storage.

Paul Kitcher, Dan Scutt (local residents objecting), Paul Airey (agent) and Councillor White (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported all references to the National Planning Policy Framework in the report should be to the 2019 amendment and that had had been an error within the report and that the site was not previously developed land as suggested by paragraph 6.2.1. In addition it was reported that a late objection from a Ward Councillor had been received.

Objectors circulated picture montages indicating the height of fencing along the border with number 51. Officers explained to the Panel that little weight could be given to the montages presented at the meeting as they had not been verified.

The officer went on to detail a number of amendments to conditions relating to landscaping, lighting and means of enclosure, site levels, permitted development restriction and amenity space access.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was lost.

A further motion to refuse planning permission for the reasons set out below was then proposed by Councillor Savage and seconded by Councillor L Harris.

RECORDED VOTE to refuse planning permission
FOR: Councillors Savage, L Harris, Murphy and Wilkinson
AGAINST: Councillors Coombs and Mitchell

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

Reasons for Refusal

1. REFUSAL REASON: CHARACTER

The proposed development is out of context and character with the established pattern of surrounding development taking into account the lack of street frontage, the backland nature and layout in relation to neighbouring dwellings and the requirement for a bespoke engineered access. As such the proposal is contrary to saved policies SDP1, SDP7(i)(iii)(iv)(v), SDP9(i) of the adopted City of Southampton Local Plan Review (as amended 2015) and saved policies CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (as amended 2015) as supported by the provisions of the relevant

sections of the Council's approved Residential Design Guide SPD (September 2006).

2. REFUSAL REASON: IMPACT ON NEIGHBOURING AMENITY

The proposed development fails to provide suitable privacy for existing occupiers at 51 Thorold Road without the erection of a boundary fence which, in addition to the change in topography and existing means of enclosure, will result in an overbearing sense of enclosure to this affected property and its garden. As such the proposal is contrary to saved policies SDP1(i), SDP7(iii) and (v), SDP9(v) of the adopted City of Southampton Local Plan Review (as amended 2015) and saved policies CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (as amended 2015) as supported by the provisions of the relevant sections of the Council's approved Residential Design Guide SPD (September 2006).

3. REFUSAL REASON: IMPACT UPON SPECIAL PROTECTION AREAS

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

80. **PLANNING APPLICATION - 19/00181/FUL - 77 TICONDEROGA GARDENS**

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

Erection of a two-storey two bedroom end of terrace dwelling

Mike Norton (local resident objecting), Phil Farminer (agent), and Councillor Payne (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment was required to the recommendation adding parts (iii) and (iv), as set below. It was noted that there had been an error in paragraph 6.2.1 of the report and that reference to gardens being previously developed land should be deleted. The presenting officer also explained that a further recommendation restricting permitted development rights was required.

The Panel acknowledged that previous development at number 96a had caused upset to the neighbours. The Panel voted against adding a condition that would limit any deliveries to site to the front of the property.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission

FOR: Councillors Savage, Coombs, Mitchell and Murphy

AGAINST: Councillors L Harris and Wilkinson

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to the additional condition as set out below and the completion of a S.106 Legal Agreement to secure:
 - a. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead- Planning Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iv) 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.

Additional Condition

RESIDENTIAL - PERMITTED DEVELOPMENT RESTRICTION (PERFORMANCE CONDITION)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

- Class A (enlargement of a dwelling house), including a garage or extensions,
- Class B (roof alteration),
- Class C (other alteration to the roof),
- Class D (porch),
- Class E (curtilage structures), including a garage, shed, greenhouse, etc.,
- Class F (hard surface area)
- Class G (chimneys, flues etc)

REASON: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development and visual amenities of the area.

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

Erection of a part single storey, part first floor rear extension to facilitate conversion of existing house into 1x 3-bed and 1x 2-bed flats with new external staircase and associated parking and refuse storage.

Juljana Vullnetari, Doug Wakeling, and Daniel McDermott (local residents objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the site notice had been posted on 11 December 2018 and not 2019 as stated with the report and that an amendment was required to the recommendation adding part (iii), as set below. In addition it was explained that conditions 3 and 4 would require to be amended, as set out below. The Panel requested that two additional informatives should be added to the planning permission in regard to parking permits and the addition of a dropped kerb, as set out below.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment. The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission

FOR: Councillors Savage, Coombs, Mitchell, Murphy and
Wilkinson

AGAINST: Councillor L Harris

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
 - a. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead- Planning Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iv) 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.

Amended Conditions

CONDITION 3: MATERIALS

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. It shall also include details of how the flank wall of the retained garage will be finished. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavoring to achieve a building of visual quality.

CONDITION 4: CYCLE STORAGE FACILITIES (to require cycle gully alongside stepped access to be retained and maintained for the lifetime of the development)

Before either flat hereby approved is first occupied, a 'cycle gully' shall be provided alongside the stepped access to the flats to facilitate the maneuvering of cycles from road level, together with secure and covered storage for bicycles. The details of these facilities shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

REASON: To encourage cycling as an alternative form of transport.

Additional Informative to applicant

1. You will need to make an application for approval to construct a vehicle crossing under Section 184 of the Highways Act 1980. Applications can be made online via the Southampton City Council website.
2. Future residents of the flats may NOT be entitled to parking permits to allow them to park on the highway within the permit controlled area.

82. **PLANNING APPLICATION - 19/00166/FUL - 14 HOLLY HILL**

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 a detached outbuilding (retrospective)

Mr & Mrs Di'Gioro (applicant), were present and with the consent of the Chair, addressed the meeting.

The presenting officer detailed an amended condition imitating the use of the outbuilding for domestic ancillary, 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 unanimously.

RESOLVED that planning permission be approved subject to the amended condition set out below

Amended Condition

APPROVAL CONDITION - LIMITATION OF USE OF OUTBUILDING FOR DOMESTIC ANCILLARY USE. PERFORMANCE CONDITION

The outbuilding hereby approved shall only be used for purposes which are ancillary to, or incidental to the main dwelling and shall not be used for any business use or subdivided, sold, leased, separated, altered or fitted out in any way so as to create, or be capable or creating a separate unit of residential accommodation without the grant of further specific permission from the Local Planning Authority.

REASON. To avoid any unacceptable sub-division of the plot which would be unlikely to satisfy either adopted or emerging Council planning policies with regards to new self-contained residential accommodation or the establishment of a business use in this residential area.