

PLANNING AND RIGHTS OF WAY PANEL

MINUTES OF THE MEETING HELD ON 16TH FEBRUARY 2010

Present: Councillor Fitzhenry (Chair), Jones (Vice Chair), Mrs Blatchford, Cunio (except Item 61), Davis, Norris and Osmond

58. MINUTES OF PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)

RESOLVED that the Minutes of the meeting held on 19th January 2010 be deferred for consideration until the next meeting.

CONSIDERATION OF PLANNING APPLICATIONS

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

59. 09/01313/FUL 134 Bassett Avenue and 1 Beechmount Road

Redevelopment of the site. Erection of three-storey and four-storey buildings to provide 13 three-bedroom flats and a two-bedroom flat with associated access and parking, following demolition of the existing buildings

Mr Grimes (Applicant), Mr Edmond (Agent), Mr Moore, Dr Miller and Ms Welham (Local Residents) and Councillor Samuels (Ward Councillor) 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 DEVELOPMENT CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS LOST

RECORDED VOTE:

FOR: Councillors Jones and Osmond

AGAINST: Councillors Mrs Blatchford, Cunio, Davis, Fitzhenry and Norris

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

(i) 01. Harm to the character of the area

The proposed development is considered to be harmful to the spatial characteristics of the area, symptomatic by reason of the scale, height and massing of the proposed residential blocks, the distance between blocks (relative to their height) and roof terraces, which would adversely affect the privacy of their neighbours. If such proposals were allowed to proceed, this would be likely to place further pressure to re-develop housing immediately adjoining to the south, thus further eroding the strong visual character of this part of the street. As such, the proposals are considered to be contrary to the following Policies of the Development

Plan for Southampton and supporting paragraphs of supplementary planning guidance:- The South East Plan: Regional Spatial Strategy for the South East of England (May 2009) - SP3 (iii), CC6 and BE1 (v); City of Southampton Local Plan Review (March 2006) - SDP1 (i)/(ii), SDP7 (ii)/(iv)/(v), SDP9 (i)/(v), H2 (i)/(iii) and H7 (i)/(iii); City of Southampton Core Strategy (January 2010) - SC13 (Points 1 and 13). Residential Design Guide (September 2006) - 2.2.1-2.2.2, 2.2.18, 3.2.4-3.2.5, 3.7.7-3.7.8, 3.9.5 and 4.1.1-4.1.2.

- (ii) 02. REFUSAL REASON - Failure to enter into a Section 106 Agreement
- In the absence of a completed S106 Legal Agreement, the proposals fail to mitigate against their direct impact and do not therefore, satisfy the provisions of the following Policies of the Development Plan for the City of Southampton:- Policies CC7, H3 and SH6 of The South East Plan: Regional Spatial Strategy for the South East of England (May 2009) and Policy CS25 of the City of Southampton Core Strategy (January 2010) as supported by the principles set out in DCLG Circular 05/2005 and the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended and undergoing review) in the following ways:-
- a financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in accordance with policies CS18, CS19 & CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended), including an investigation as to whether a Traffic Regulation Order is warranted barring right turn movements into Bassett Avenue from Beechmount Road;
 - b a financial contribution towards strategic transport projects for highway network improvements in the wider area in accordance with policies CS18 & CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - c financial contributions towards the relevant elements of public open space required by the development in accordance with policies CS21 and CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) with regard to:-
 - Amenity Open Space ("open space")
 - Play Space
 - Playing field;
 - d notwithstanding the provision of a viability statement dated 11 February 2010, provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - e in the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase; and

- f an undertaking by the developer that prior to the commencement of development, the developer shall submit a plan/details to the local planning authority for its approval in writing indicating to which four flats in the new block of flats fronting Bassett Avenue that the four car parking spaces accessed from Bassett Avenue are to be allocated to. And once so approved, those car parking spaces shall remain allocated to those flats at all times thereafter.

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Cunio, Davis, Fitzhenry and Norris

AGAINST: Councillor Jones

ABSTAINED: Councillors Osmond

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

60. 09/01163/R30L Chamberlayne College, Tickleford Drive

Redevelopment of the site. Demolition of the existing building and erection of a replacement school building (up to 9,000 square metres gross floor space) with a Multi Use Games Area (MUGA), associated parking and vehicular access from Weston Lane (outline application with means of access for consideration at this stage) - Description amended following validation to include the MUGA

Ms Lake (Local Resident) and Councillor Richard Williams (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Norris and Osmond

AGAINST: Councillors Mrs Blatchford, Cunio and Davis

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

Additional Conditions

39 – 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.

40 – 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.

41 – Archaeological damage-assessment

No development shall take place within the site until the type and dimensions of all proposed ground works have been submitted to and agreed by the Local planning Authority. The developer will restrict ground works accordingly unless a variation is agreed in writing by the Local Planning Authority.

REASON:

To inform and update the assessment of the threat to the archaeological deposits.

42 – Proposed Sports Pitch Quality

Prior to commencement of the development/use hereby permitted:-

- (i) A detailed assessment of ground conditions of the land proposed for the sports facility shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and,
- (ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved scheme shall be complied with in full prior to commencement of the remainder of the permitted development.

REASON:

To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field.

43 – Replacement Bus Stop (Grampian)

A replacement bus stop along Weston Road shall be provided prior to the commencement of the new access hereby approved.

REASON:

In the interests of promoting alternative travel to the site

REASONS FOR THE 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 do not have sufficient weight to justify a refusal of the application. Where appropriate planning conditions have been imposed to mitigate any harm identified. Overall, the exceptional educational need and positive regenerative opportunities associated with the development are considered to outweigh the dis-benefits. The proposed access onto Weston Lane has been considered by Highways DC as acceptable and any impact on the residents of Scott Road can be mitigated as explained in the report to the Planning and Rights of Way Panel on 16th February 2010. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Outline Planning Permission should therefore be granted having account of the following planning policies:

LDF Core Strategy – Adopted January 2010 - CS6, CS11, CS13, CS18, CS19, CS20, CS22 and CS25; Local Plan Review (2006) – Saved Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP19, SDP20, SDP22, NE4, HE6, L1 and REI7

61. 09/01162/R3OL Sholing Technology College, Middle Road, Sholing

Redevelopment of the site. Demolition of the existing building and erection of a replacement school building (up to 10,000 square metres gross floor space) with associated parking and vehicular access from Heath Road, Middle Road and South East Road (Outline application with mean of access for consideration at this stage)

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

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

Amended Conditions

02 - Submission of Reserved Matters

The details of the proposed ACCESS are hereby approved and shall be implemented in accordance with the approved plans, namely plan ref: Proposed site plan 910-001 Rev P01 and the amended indicative 061-001 Rev P02 (received by the Local Planning Authority on 15 February 2010). Further application(s) for the approval of the following reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission:

- a) LAYOUT, namely the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development;
- b) SCALE, namely the height, width and length of each building proposed in relation to its surroundings;
- c) EXTERNAL APPEARANCE, namely the aspects of a building or place which determine the visual impression it makes. No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the Local Planning Authority) to be used for external walls, fenestration and the roof of the proposed building(s) has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details;
- d) LANDSCAPING, namely the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls. A detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure and treatment of hard

surfaced areas (including the upgrading of the unmade track between South East Road and the existing school gates to a tarmac surface), shall be submitted to and approved in writing by the Local Planning Authority as part of the approval process for the LANDSCAPING reserved matter. These details shall relate to the external spaces and any green roof which may come to be installed, as hereby approved.

The two trees indicated to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

REASON:

To comply with S.92 of the Town and Country Planning Act 1990 (as amended), Circular 01/06 and in order to secure a high quality form of development having regard to the character of the area and the amenity of existing residents.

29 - Hours of Work for Demolition/Construction

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

In addition deliveries of construction materials to the site and the removal of any waste materials from the site shall not take place during the following hours:-

Monday to Friday 08.00 hours and 09.30 Hours (8.00am to 9.30am)

Monday to Friday 15.00 hours and 16.30 hours (3.00pm to 4.30pm)

and at no time on Saturdays, Sundays and public holidays to take account of the occupation and proximity of neighbouring residential properties.

REASON:

To protect the amenities of neighbours and the wider environment, including those attending the nearby schools, in the interests of highway safety.

REASONS FOR THE 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 do not have sufficient weight to justify a refusal of the application. Where appropriate planning conditions have been imposed to mitigate any harm identified. Overall, the exceptional educational need and

positive regenerative opportunities associated with the development are considered to outweigh the dis-benefits of general disturbance and periodic, localised highway congestion likely during the construction period. The proposed construction traffic access onto Middle Road has been considered by Highways DC as acceptable and any impact on the residents of Middle Road and South-East Road can be mitigated as explained in the report to the Planning and Rights of Way Panel on 16th February 2010. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Outline Planning Permission should therefore be granted having account of the following planning policies:

LDF Core Strategy - Adopted January 2010 - CS6, CS11, CS13, CS18, CS19, CS20, CS22 and CS25; Local Plan Review (2006) - Saved Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP19, SDP20, SDP22, NE4, HE6, L1 and REI7

62. 09/01282/FUL St Coleman's Church, Warburton Road, Thornhill

Demolition of the existing buildings and erection of 2-storey and 3-storey buildings to provide 13 houses (3 x 2 bedroom, 9 x 3 bedroom and 1 x 4 bedroom) and 18 x 2 bedroom flats with associated access, parking and landscaping including stopping up and diversion of a public footpath.

Mr Crapper (Applicant) was present and with the consent of the Chair, addressed the meeting.

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

RESOLVED

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-
 - a) the conditions in the report and the amended conditions below;
 - b) the making of an order under S257 of the Planning Act for the diversion of the footpath on the grounds that the diversion is necessary for the application to proceed;
 - c) the applicant entering into a Section 106 Legal Agreement to secure:
 - 1 provision of affordable housing in accordance with Policies CS15 and CS25 of the adopted LDF Core Strategy (2010);
 - 2 financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

- 3 a financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - 4 financial contributions towards the relevant elements of public open space required by the development in line with policies 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):
 - Amenity Open Space (“open space”)
 - Play Space
 - Playing Field;
 - 5 submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed by 3rd March 2010 within two months from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

03 - Refuse and Recycling Bin Storage

Bin storage shall be laid out with a level approach (not in excess of 1:10) prior to the first occupation of the development hereby approved in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling with doors hinged to open outwards. Communal stores shall be fitted and retained with lighting that operates when the doors are opened with a tap and wash down gully to be provided. The footpath width to the communal refuse stores shall be constructed to a minimum width of 1.5 metres and a dropped kerb to the adjacent highway. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes with bins kept in their allotted stores on non collection days.

REASON:

In the interests of the visual appearance of the building and the area in general.

06 – Hours of work for Demolition / Clearance / Construction

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays. Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the LPA.

In addition, deliveries of construction materials to the site and the removal of any waste materials from the site shall not take place during the following hours:-

Monday to Friday 08.00 hours and 09.30 Hours (8.00am to 9.30am)

Monday to Friday 15.00 hours and 16.30 hours (3.00pm to 4.30pm)

and at no time on Saturdays, Sundays and public holidays to take account of the occupation and proximity of neighbouring residential properties.

REASON:

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

11 - Landscaping detailed plan

The development shall be carried out in accordance with the approved landscaping plan ref: Drawing no: SO/Hs/731.1 Rev B

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

REASON:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, 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

12 – Boundary fence

Before occupation of the development hereby approved and its installation, details of the design and specifications of the boundary treatment of the site – including the replacement fencing along the site’s western boundary following the removal of the existing Leylandii hedge and the gated vehicular access - shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

REASON:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The use of this previously developed site for affordable housing accords with local and national planning policy. The loss of the community use is justified in this instance and although the proposed density exceeds the targets sets by the LDF Core Strategy the proposed layout and design is considered fit for this context. There are no third

party objections to the proposals. 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, 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 CS3, CS4, CS5, CS13, CS15, CS16, CS19, CS20, CS22 and CS25 and the Council's current adopted Supplementary Planning Guidance.

63. 10/00017/FUL 8 Canada Road

Single storey side extension and additional window to first floor side elevation to enable conversion of dwelling into 2 one-bedroom flats

Mr Whitlock (Applicant) was 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 Mrs Blatchford, Davis, Fitzhenry, Jones, Norris and Osmond

ABSTAINED: Councillor Cunio

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

Amended Conditions

Conditions 7 and 8 to be deleted.

Additional Conditions

10 - Sustainable measures

No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report assessing the feasibility of incorporating the following sustainable design measures into the development:

- Energy minimisation and renewable energy or low carbon technologies
- Water efficiency measures
- Urban Drainage Systems
- Waste management and recycling
- Sustainable construction materials

The report shall include an action plan detailing how these measures will be integrated into the development. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

REASON:

To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Local Plan (March 2006) policies SDP13 and LDF Core Strategy Policy CS20.

11 - Surface Water Disposal

No development shall take place until details of the proposed means of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the agreed details prior to the occupation of the development.

REASON:

To ensure an adequate surface water disposal for the development.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme for intensifying this property for further residential use is in keeping with the character of the local area, providing sufficient level of private amenity space and off street parking to serve the occupiers, whilst not causing harm to neighbouring residential amenity and local visual character of the local area. The current application has fully addressed the Council's previous reasons for refusal. The departure from policy CS19 due to the loss of family housing in this instance has been accepted with due regard to the nature and period of pre-application discussions with the applicant dating back to July 2009. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H2, H7 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010)

64. 09/01136/FUL Hinkler Parade, 318 – 400 (evens) Hinkler Road, 2-32 Marston Road and Housing Office at Tatwin Crescent, Thornhill

Redevelopment with 2, 3 and 4-storey buildings to provide 106 dwellings (8 two-bedroom houses, 26 three-bedroom houses and 5 four-bedroom house, 20 one-bedroom flats, 41 two-bedroom flats, 6 three-bedroom flats), retail uses (Class A1) , hot food take-away uses (Class A5), a community centre and with associated access, parking and open space (affects public rights of way at Hinkler Parade) following demolition of existing buildings

Mr Jones (Applicant), Mr Reay (Agent) and Mr Williams (Architect) 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 DEVELOPMENT CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY

RESOLVED

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-
- a) the conditions in the report, the amended and additional conditions below;
 - b) for the making of an order under S257 of the Planning Act for the diversion of the footpath on the grounds that the diversion is necessary for the application to proceed;
 - c) the applicant entering into a Section 106 Legal Agreement to secure:
 - 1 site specific highway works in the vicinity of the site to be secured through a Section 278 agreement;
 - 2 provision of affordable housing in accordance with policy;
 - 3 a financial contribution towards strategic transport improvements in accordance with policy;
 - 4 a financial contribution towards open space improvements in accordance with policy;
 - 5 a highways condition survey;
 - 6 a Training and Employment Management Plan;
 - 7 the developer paying for the necessary Traffic Regulation Order;
 - 8 submission and implementation of a Travel Plan;
 - 9 the provision of Public Art in accordance with policy;
 - 10 a Servicing Management Plan for vehicles serving the development;
 - 11 a Construction Traffic Management Plan;
 - 12 a Refuse Management Scheme;
 - 13 off-site tree planting to ensure 2 for 1 replacement tree planting;
 - 14 Energy Conservation Measures in accordance with Council policy'; and
- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed within six weeks from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

02 - Details of building materials to be used

Notwithstanding the information shown on the approved drawings and application form no development works, apart from demolition of the existing buildings, shall be carried out unless and until a schedule of materials and

finishes (including full details of the manufacturers, types and colours of the external materials) to be used for external walls and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. 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 endeavouring to achieve a building of visual quality.

05 - Landscaping detailed plan

Before the commencement of any site works, apart from demolition of the existing buildings, a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

REASON:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, 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.

08 - BREEAM Standards (commercial development)

Written documentary evidence demonstrating that the development will achieve at minimum a rating of Very Good against the BREEAM standard (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006). Also to comply with Submission Core Strategy policy CS22.

09 - Code for Sustainable Homes

Written documentary evidence demonstrating that the development will achieve a minimum level 3 standard in the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006).

20 - Refuse and Recycling

Before the works commence, apart from demolition of the existing buildings, details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

REASON:

In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety

24 - Hours of Use

Those parts of the development to be used for purposes within Class A5 of the Town and Country Planning (Use Classes) Order 1987 (or any order replacing or amending this Order) shall not be open for public use outside the hours of 0730 to 2300.

REASON:

To protect the amenities of residents within the site and occupiers of adjoining residential

26 - Foul and Surface Water Drainage

No development shall commence, apart from demolition of the existing buildings, until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In order that the Local Planning Authority may be satisfied that the development would not increase the risk of flooding in the area.

Additional Conditions

28 - Road Construction

No development hereby permitted, apart from demolition of the existing buildings, shall be commenced until the Local Planning Authority have approved in writing:-

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

A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

REASON:

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

29 - Surface Water Drainage

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before the development is completed and thereafter managed and maintained in accordance with the approved details.

Those details shall include:

- information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- a timetable for its implementation; and
- a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

REASON:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance. Annex F of Planning Policy Statement 25: Development and Flood Risk (PPS25), requires that surface water arising from a developed site should, as far as is practicable, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere, taking climate change into account.

The drainage system should be designed so that:

- Rainfall runoff from the site is controlled for the 1 in 1, 1 in 30 and 1 in 100 year storm events (plus an allowance for climate change of 30%);
- The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the Greenfield runoff rate for a given storm event;
- Excess surface water runoff must be stored on site and released to receiving watercourses/sewers at Greenfield rates.

30 - Hours of Use

Those parts of the development to be used for purposes within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any order replacing or amending this Order) shall not be open for public use outside the hours of 0730 to 2300.

REASON:

To protect the amenities of residents within the site and occupiers of adjoining residential occupiers.

31 - Hours of Use

The community use building hereby approved shall not be open for public use outside the hours of 0730 to 2330.

REASON:

To protect the amenities of residents within the site and occupiers of adjoining residential occupiers.

32 - Noise - plant and machinery

The Class A1 and A5 uses 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 agreed details.

REASON:

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

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has also taken into account the findings of the specialist reports submitted with the application and considered the regeneration benefits associated with 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 and Compulsory Purchase Act 2004, planning permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, H1, H2, H7, CLT5/6 of the City of Southampton Local Plan (March 2006).

Policies CS3, CS4, CS5, CS13, CS15, CS16, CS19, CS20 and CS25 of the Southampton Core Strategy 2010

65. 09/01391/FUL 97 Botany Bay Road

Part two-storey/part three-storey side/rear additions (including accommodation in enlarged roof) and conversion to create five flats (1 three-bedroom maisonette, 2 two-bedroom and 2 one-bedroom flats) with associated remodelling of site levels to rear to create car/cycle parking with amenity space areas

Mr Patrick (Agent) Mr Sheppard (Local Resident) and Councillor Smith were present and with the consent of the Chair, addressed the meeting.

The Panel noted the corrected position of the cycle store within the scheme layout and that the list of background papers that should have been referred to was:- 1 (a), (b), (c), (d), 2 (a), (c), (d), that 3 (a) was the City of Southampton Core Strategy (January 2010), 4 (a), (c), (e), (s – The Residential Design Guide

[September 2006]), 5 (a), (e), 6 (a), (c), (l), 7 (a), (c), (i), (m), (n), (q), (y), (z - The South East Plan: Regional Spatial Strategy for the South East of England [May 2009]), 8 (a), (j), 9 (a) and (b).

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

A FURTHER MOTION proposed by Councillor Mrs Blatchford and seconded by Councillor Cunio 'that the application be refused for the following reasons:-

(i) 01. Harmful to the character of the area

The proposed development exhibits the following poor features, which would be harmful to the character of this semi-rural area:-

- (i) Encroachment onto and harsh abutment to the Shoreburs Greenway Site of Importance for Nature Conservation (as shown on the Proposals Map of the City of Southampton Local Plan Review [March 2006]), where no Certificate of Lawfulness exists to use the south-western margin of the site as private garden land/curtilage of a dwelling house and no information has been submitted in relation to external lighting which could impact on bats foraging in the area.
- (ii) Whereas the roof ridge line and front building line appear subordinate to the original property at 97 Botany Bay Road, the proposals represent an excessive and overbearing enlargement and overdevelopment of that property, both in respect to the host dwelling and the semi-detached pair of 95 and 97 Botany Bay Road taken together. This would include views either from the street, from the garden on 95 Botany Bay Road and the adjoining public open space, by reason of the proposed extension's scale, bulk and massing and the 75% site coverage from built form footprint and parking apron.

These harmful environmental impacts justify that Policy H8 of the City of Southampton Local Plan Review (March 2006), nor Policy CS5 of the Core Strategy (January 2010) are not dogmatically adhered to. The proposed development is therefore considered to be contrary to the following Policies of the Development Plan for the City of Southampton and relevant paragraphs of its supporting supplementary planning guidance:-

The South East Plan: Regional Spatial Strategy for the South East of England (May 2009) - SP3 (iii), CC1 (ii), CC6, CC8, NRM5 (iv) and BE1 (v); City of Southampton Local Plan Review (March 2006) - SDP1 (i)/(ii), SDP7 (i)/(ii)/(iv)/(v), SDP9 (i)/(v), NE3, CLT3, H2 (i)/(ii)/(iii)/(vii) and H7 (i)/(iii); City of Southampton Core Strategy (January 2010) - CS5, CS13 (Points 1, 7 and 13), CS21 and CS22; Residential Design Guide (September 2006) - Paragraphs 2.2.18, 2.3.1-2.3.2, 3.3.2, 3.2.4-3.2.5, 3.9.1-3.9.2, 3.9.5, 4.1.1-4.1.2 and 5.2.16; Nature Conservation Strategy (1992) - Policies 4 and 8.

- (ii) 02. Poor living conditions
- Whereas the applicant has attempted to meet the Council's Family Housing Supplementary Planning Document, by re-providing a three bedroom unit on the site as part of the proposals, this has resulted in the third bedroom to that unit not having direct access to natural light and ventilation. This is considered to represent poor living conditions, not compatible with modern day requirements and good design. Mechanical ventilation to this room would also add to the development's carbon footprint. As such the proposed development is considered to be contrary to the following Policies of the Development Plan for the City of Southampton and relevant paragraphs of its supporting supplementary planning guidance:-
- City of Southampton Local Plan Review (March 2006) - SDP1 (i) and H7 (i)/(iii); City of Southampton Core Strategy (January 2010) - CS13 (Points 2 and 11); Residential Design Guide (September 2006) Paragraph 2.2.1.
- (iii) 03. Poorly located cycle store
- Notwithstanding the design constraints of the site caused by its topography, the proposed cycle store is considered to be too remote from the dwellings to enable convenient use, which would make it less likely that this form of travel would be used over the private motor vehicle. As such the proposed development is considered to be contrary to the following Policies of the Development Plan for the City of Southampton and relevant paragraphs of its supporting supplementary planning guidance:- The South East Plan: Regional Spatial Strategy for the South East of England (May 2009) - T1 (ii); City of Southampton Local Plan Review (March 2006) - SDP1 (i), SDP4 and SDP10 (ii); Residential Design Guide (September 2006) - Paragraphs 5.3.3-5.3.4.
- (iv) 04. Potential harm to highway safety
- Notwithstanding achieving a level of car parking exceeding the Council's standards, it is considered that a scheme proposing a total of 9 bedrooms could generate a demand for car parking that - along with visitors to those residing at the property - could be likely to cause overspill car parking in the street. Notwithstanding the application site being located in a zone of medium accessibility, regard has also been had to the poor level of street lighting to reach buses in the public transport corridor of Portsmouth Road, in terms of the realistic prospect of residents still depending upon the private car to meet their travel demands. Any resulting additional on-street parking would be at a narrow point of the carriageway, which could add to congestion, especially when a nearby school in Bay Road is in operation. This would be likely to increase congestion on the local highway network and inconvenience to other highway users and be likely to add to highway hazards to pedestrians, given only one side of the street has a footway. As such the proposed development is considered to be contrary to the following Policies of the Development Plan for the City of Southampton:- City of Southampton Local Plan Review (March 2006) - SDP1(i) and SDP3.

(v) 05. Failure to secure S.106 agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of the following Policies of the Development Plan for the City of Southampton:- Policy CC7 of The South East Plan: Regional Spatial Strategy for the South East of England (May 2009) and Policy CS25 of the City of Southampton Core Strategy (January 2010) as supported by the principles set out in DCLG Circular 05/2005 and the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended and undergoing review) in the following ways:-

- a a waste management plan, to ensure that refuse containers are brought to the property's front forecourt on collection day and removed back to their enclosure within the site once emptied;
- b a financial contribution towards the reinstatement and enhancement of the biodiversity immediately adjoining the application site's south-western boundary, in accordance with Policies CS22, CS23 and CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) ; and
- c in the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase.

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

66. STREET NAMING REPORT – 10 BATH ROAD AND LAND TO THE REAR OF 4 – 14 BATH ROAD

The Panel considered the report of the Head of Planning and Sustainability seeking approval for a street name for the development under construction at 10 Bath Road. (Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED that the name 'Sanctuary Close' be approved for the development under construction at 10 Bath Road.