
PLANNING AND RIGHTS OF WAY PANEL (EAST)
MINUTES OF THE MEETING HELD ON 23 JUNE 2015

Present: Councillors Denness (Chair), (Except Minute Number 6), Hecks, Tucker, Coombs and Wilkinson

1. **ELECTION OF VICE CHAIR**

RESOLVED that Councillor Tucker be elected as Vice-Chair for the 2015/2016 Municipal Year.

2. **STATEMENT FROM THE CHAIR**

On behalf of the Panel the Chair welcomed the newly appointed Planning and Development Manager, Samuel Fox, to the meeting.

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

RESOLVED that the Minutes of the meeting held on 5 May 2015 be approved and signed as a correct record.

4. **BITTERNE PARK PRIMARY SCHOOL, 15/00273/FUL**

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.

Demolition of part of existing school boundary wall, enclosure of existing playing field with new gates and fence (height 2.1m), stopping up of the existing footpath and diversion to new route around perimeter of the fence.

Mrs MacGillivray (Friends of Riverside Park/objecting), Mrs Maugy, Mr Martin, Mr Cooper, Mrs Bennett and Mr Hutchings (Local Residents/objecting), Councillor White (Ward Councillor/objecting), Mr Whitehead (Chair of Bitterne Park Primary School Governors), Mr Bean (Estates Manager, Bitterne Park Primary School) and Mrs Ward (Local Resident/supporting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that:-

- (i) the Community Use Agreement had been through consultation with the Friends of Bitterne Park, SCAPPS and Ward Councillors and no objections had been received to the latest version; and
- (ii) the School had provided a letter in response to the objection from Sport England which would be included in the referral to the National Planning Casework Unit.

RESOLVED that authority be delegated to the Planning and Development Manager to grant planning permission subject to the amended conditions set out below and the following:-

- (i) secure the Community Use Agreement to inform condition 02; and
- (ii) refer the application to the National Planning Casework Unit in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 following the objection from Sport England.

Amended Conditions

02. APPROVAL CONDITION - Community Use Agreement

Access to the playing fields enclosed by the fencing and gates hereby approved shall be provided in accordance with the details of the agreed Community Use Agreement dated.....*(to be updated before decision is issued on receipt of signed, dated and sealed community use agreement)*.

Reason:

To ensure the enclosed playing fields remain available to the community outside of school hours.

08. APPROVAL CONDITION - Landscaping detailed plan [Pre-Commencement Condition]

Before the commencement of any site works 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, 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 and agreed in advance) 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.

09. APPROVAL CONDITION - Arboricultural Method Statement [Pre-Commencement Condition]

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:-

1. A specification for the location and erection of protective fencing around all vegetation to be retained.
2. Specification for the installation of any additional root protection measures.
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots.
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles.
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason:

To ensure that provision has been made for trees be retained and adequately protected throughout the construction period.

5. **FORMER OAKLANDS SCHOOL, 15/00340/OUT**

The Panel noted that as a result of a late communication from National England, the application had been withdrawn from today's agenda in order that more work could be undertaken on an appropriate assessment.

6. **366-368 SHIRLEY ROAD, 14/01608/FUL**

COUNCILLOR TUCKER IN THE CHAIR

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.

Redevelopment of the site. demolition of the existing buildings and erection of two, three and four-storey buildings to provide 49 dwellings (five X one-bedroom, 17 X two-

bedroom, 20 X three-bedroom, seven X four-bedroom) and a car sales showroom with vehicular access from Villiers Road.

Councillor Furnell (Ward Councillor/objecting) and Mr Hodder (Agent) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that:-

- (i) since writing the report one additional representation had been received from Royal Mail and that all points raised by them had been fully taken into account within the report; and
- (ii) an amendment had been made to the recommendation to include the receipt of a tracking diagram to prove that a refuse collection vehicle can turn on site and there was an additional Head of Term 2 (vii) to the Section 106 Legal Agreement.

RESOLVED

- (i) that authority be delegated to the Planning and Development Manager to grant planning permission subject to the completion of a Section 106 Legal Agreement with an additional Head of Term 2 (vii), the receipt of a tracking diagram to prove that a refuse collection vehicle can turn on site, the conditions listed in the report and the amended conditions as set out below;
- (ii) that in the event that the legal agreement is not completed within two months of the Panel meeting date the Planning and Development Manger be authorised to refuse permission on the grounds 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.

Additional Head of Term 2 (vii) to the Section 106 Legal Agreement to read:

Car Parking Restriction. An obligation precluding future residents of the flats receiving car parking permits for the adjoining Controlled Parking Zones.

Amended Conditions

01 APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than **five** years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

Reword condition 12: not 1 for 1 parking but 48 parking spaces to be provided for the residents of the scheme and 2 for the operators of the car sales business:

12 APPROVAL CONDITION – Layout of Car Parking/Serviceing (residential use) (Pre-Occupation Condition)

The whole of the car parking, footways (including the undercroft access through the site) and road access/serviceing facilities to be provided for residential use shown on the approved plans shall be laid out and made available before residential occupation of the development hereby approved and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose. No more than two disabled car parking bays are necessary and thus revised parking layout can be submitted to demonstrate an alternative parking arrangement increasing the number of parking spaces provided. If an alternative parking arrangement is chosen amended plans must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development., once approved the development must take place in accordance with the agreed details and the on-site parking shall be allocated **with 48 being provided for residential purposes and 2 parking spaces being provided for use by the commercial unit on site.**

Reason:

To ensure adequate on-site parking and serviceing facilities and to avoid congestion in the adjoining highway

RECORDED VOTE to grant planning permission.

FOR: Councillors Tucker, Coombs and Wilkinson
AGAINST: Councillor Hecks

NOTE: Councillor Denness declared a personal interest in the above application and withdrew from the meeting for the consideration of this item.

7. **FORMER MERIDIAN BROADCASTING SITE, RADCLIFFE ROAD, 14/01747/OUT**
COUNCILLOR DENNESS IN THE CHAIR

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

Redevelopment of the site to provide 351 dwellings (145 x one bedroom, 174 x two bedroom, 32 x three bedroom) within buildings ranging in height from two-storeys to 13-storeys with retail use (Class A1 - 390 sq.m. floor space), offices (Class B1 - 108 sq.m. floor space); 363 car parking spaces; improved access from Radcliffe Road and Summers Street; landscaping and an extension of the local park to the waterfront; a new waterfront walkway associated with flood defence measures (Outline application seeking approval for access, layout, scale and landscaping).

Mr Linecar (Southampton Commons and Parks Protection Society (SCAPPS)/objecting), Mark Luken (Agent) and Councillor Burke (Ward Councillor/supporting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that there were changes to recommendation 2 (i) and an additional Head of Term 2 (xii) to the Section 106 Legal Agreement.

RESOLVED

- (i) that the Panel confirmed the Habitats Regulation Assessment in Appendix 2 of the report;
- (ii) that authority be delegated to the Planning and Development Manager to grant planning permission subject to the completion of a Section 106 Legal Agreement with an additional Head of Term 2 (xii), an amendment to recommendation 2 (i), the conditions listed in the report and the amended condition set out below;
- (iii) that in the event that a legal agreement is not completed within two months of the Panel meeting date the Planning and Development Manager be authorised to refuse permission on the grounds of failure to secure the provisions of the Section 106 Legal Agreement; and
- (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.

Amendment to Recommendation 2 (i) to read:

Financial contributions **and other measures** towards site specific Transport improvements in the vicinity of the site, **to include traffic surveys to assess the impact on the Northam Estate and restrictions on parking permits for future residents** in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).

Additional Head of Term 2 (xii) to the Section 106 Legal Agreement to read:

Provision of on-site play space and improvements to existing facilities.

Amended Condition

15. APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]

No percussion or impact driven **piling** activities shall take place for pre-works, foundations, or as any part of the development.

Reason:

In the interests of securing the stability of the site and adjacent land in order to protect the amenities of occupiers of nearby properties.

8. **HARCOURT MANSIONS, 74 WHITWORTH CRESCENT, 15/00610/FUL**

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.

Erection of a part three-storey, part two-storey building to create two x three-bed houses, one x two-bed house and six x two-bed flats with associated parking and cycle/refuse storage

Mrs MacGillivray and Mr Whyte (Local Residents/objecting), Councillor Inglis (Ward Councillor/objecting) and Mr Donohue (Agent) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that since the report had been published:-

- (i) five objections had been received (two of which were petitions);
- (ii) one petition had 56 signatories in relation to car parking;
- (iii) one petition had 62 signatories in relation to the impact on trees;
- (iv) the only material planning consideration raised that had not been addressed in the report related to the parking of construction vehicles and current condition 22 was amended to become a construction management condition to include parking of construction related vehicles; and
- (v) no objection had been raised in relation to the tree consultation that had been received and an additional condition was added regarding arboricultural protection measures.

RESOLVED

- (i) that authority be delegated to the Planning and Development Manager to grant planning permission subject to the completion of a Section 106 Legal Agreement, the conditions listed in the report and the amended and additional conditions set out below;
- (ii) that in the event that the legal agreement is not completed within two months of the Panel meeting date the Planning and Development Manger be authorised to refuse permission on the grounds 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.

Amended Condition

Amend current condition 22 to become a construction management condition to include parking of construction related vehicles:-

APPROVAL CONDITION – Construction Method Statement (CMS)

Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority making provision for a “Construction Method Statement” (CMS) for the development. The CMS shall include details of:-

- a) Parking of vehicles of site personnel, operatives and visitors;
- b) Any site compound details and contractor’s cabins/office;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials, including cement mixing and washings, used in constructing the development;
- e) Treatment of all relevant pedestrian routes and highways within the site throughout the course of construction and their reinstatement where necessary;
- f) A scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- g) A scheme for recycling waste resulting from the construction programme;
- h) details of lorry routing
- i) Measures to be used for the suppression of dust and dirt throughout the course of construction;
- j) Measures for the cleaning of wheels and the under chassis of lorries leaving the site;
- k) Details of how noise and vibration emanating from the site during construction will be mitigated;
- l) A "hotline" telephone number and email address shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period;
- m) The methods of supervision to ensure that workers have knowledge of the method statement;

The approved CMS shall also include proposals to monitor these measures (as set out above) at the site boundary to ensure that a statutory nuisance does not arise beyond the site boundary, and shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

In the interest of safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

Additional Condition

APPROVAL CONDITION - Arboricultural Protection Measures [Pre-Commencement Condition]

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers

- Timing and methods of site visiting and record keeping, including updates
- Procedures for dealing with variations and incidents.

Reason:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

RECORDED VOTE to grant planning permission.

FOR: Councillors Denness, Coombs and Tucker
 AGAINST: Councillors Hecks and Wilkinson

9. **216 OAKWOOD DRIVE, 15/00271/FUL**

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.

Change of use from dwelling house (C3 Use) to flexible use as a dwelling (C3) or House of Multiple Occupation (C4).

Mr Longhurst (Chairman of Lordswood Residents' Association/objecting) and Councillors Thomas and Morrell (Ward Councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the following amendments:-

- (i) Councillor Morrell had referred the application to the Planning and Rights of Way Panel. This was missed off the panel report;
- (ii) the location plan in the panel report was incorrect. This showed the red line drawn around the property at no.222 Oakwood Drive and not no.216 Oakwood Drive. The panel were advised that the correct location plan was shown in the panel presentation; and
- (iii) a line of text was missing from paragraph 5.19 of the panel report. This should have outlined concerns raised in representations relating to inadequate refuse storage.

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

RECORDED VOTE to grant planning permission.

FOR: Councillors Denness, Coombs and Tucker
 AGAINST: Councillors Hecks and Wilkinson.

10. **86 WATERLOO ROAD, 15/00298/FUL**

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.

Change of use of existing dwelling to flexible use as either a dwelling (C3 use) or House in Multiple Occupation (C4 use).

Councillor Moulton (Ward Councillor/objecting), Mr McDermot (Agent) and Mr Whatmough (Applicant) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that :-

- (i) there was a mistake in the panel report. Paragraph 2.1 of this report refers to a total of seven bedrooms (five bedrooms at first floor level and two within the roof space). This is incorrect and should refer to a total of six bedrooms (four at first floor level and two within the roof space); and
- (ii) an appeal against a previous decision at this site was issued on the 19th June 2015. This previous application (ref.14/01707/FUL) sought permission for the change of use of the property from a dwelling house (Class C3) to a flexible use of either a dwelling house (Class C3), a House in Multiple Occupation (Class C4) or a large House in Multiple Occupation for more than six people. This was refused under delegated powers due to the impact of the sui generis HMO use on the residential amenities of neighbouring occupiers and on the character of the area. The appeal against this decision (ref.APP/D1780/W/15/3005455) was dismissed.

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

Additional Condition

5. APPROVAL CONDITION - Room restrictions [Performance Condition]

The ground floor rooms annotated on the submitted floor plans as the lounge, kitchen and dining room and the first floor room annotated on the submitted floor plans as the study shall remain as communal space for the occupiers of the dwelling throughout the occupation of the building as a Class C4 HMO and shall at no time be used as bedrooms unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

To maintain sufficient residential environment for occupiers and to ensure that there is not intensification of use of the site as a whole.

RECORDED VOTE to grant planning permission.

FOR: Councillors Denness, Coombs and Tucker
AGAINST: Councillor Wilkinson
ABSTAINED: Councillor Hecks