
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 2 AUGUST 2016

Present: Councillors Denness (Chair), Coombs (Vice-Chair), Barnes-Andrews, L Harris, Hecks and Mintoff

Apologies: Councillor Claisse

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

RESOLVED: that the minutes for the Panel meeting on 12th July 2016 be approved and signed as a correct record.

24. **PLANNING APPLICATION -16/00888/FUL - 70 COBDEN AVENUE**

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 building and erection of 7 x dwellings (2 x 4-bed, 3 x 3-bed, 2 x 2-bed flats) with associated access, parking and landscaping (resubmission of 16/00083/FUL)

David Jerram (local residents/ objecting) and Dr Martin Dobson (Residents' Specialist Witness), Amanda Sutton (agent), and Councillor Inglis (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that residents had commissioned a report by an independent arborculturalist which had been circulated to the Panel and was available on the internet. The response from the City's tree team was circulated and detailed during the meeting. The presenting officer detailed required amendment to the recommendation and the clauses set out in the S106. It was noted that there was no longer a requirement for terms relating to affordable housing and that an additional clause would be required for a tree replacement plan.

The presenting officer also stated that conditions relating to trees and archaeology would require amendment.

RECORDED VOTE to grant planning permission

FOR: Councillors Barnes-Andrews, Coombs and Denness

AGAINST: Councillors L Harris, Hecks and Mintoff

On the use of the Chair's second and casting vote the application was approved.

RESOLVED

- (i) to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report, and the amendment to the S106 and the amended conditions, set out below.
- (ii) 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 S106 CLAUSE

Delete clause ii

“Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).”

ADDITIONAL CLAUSE

“Provision of Tree replacement plan identifying the trees to be replaced at a ratio of two replacements for each tree removed and the contribution towards any off site provision required in accordance with saved Policy SDP12 of the Local Plan Review (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).”

AMMENDED CONDITIONS

16. Archaeological watching brief 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.

17. Archaeological watching brief 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.

ADDITIONAL 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:

- (i) A specification for the location and erection of protective fencing around all vegetation to be retained;
- (ii) Specification for the installation of any additional root protection measures;
- (iii) Specification for the removal of any built structures, including hard surfacing, within protective fencing areas;
- (iv) Specification for the construction of hard surfaces where they impinge on tree roots;
- (v) The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
- (vi) An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures; and
- (vii) Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

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

25. **PLANNING APPLICATION -16/00316/FUL - ST MONICA INFANT SCHOOL**

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 single storey nursery building with associated landscaping, a turning head within the school playing field, and new footway fronting the south-west side of Viceroy Road (Departure from Development Plan).

Jenny Fenwick (local resident/ objecting), was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the S106 needed to be adjusted to incorporate a school transport plan. In addition it was noted that there needed to adjustments for the conditions relating to the turning head, the usage and hours of use of the proposed new facility and the archaeological conditions. It was also noted that an additional condition would be required for construction hours.

RECORDED VOTE to grant planning permission

FOR: Councillors Coombs, Denness and L Harris

AGAINST: Councillor Hecks

ABSTAINED: Councillor Mintoff

RESOLVED

- (i) to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement, the conditions

- listed in the report, and the amendment to the S106 and amended conditions, set out below.
- (ii) In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Planning and Development Manager will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into;
 - (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 SECTION 106 WORDING

- (i) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site and towards the School Travel Plan 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);

AMENDED CONDITIONS

06. Archaeological watching brief 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.

07. Archaeological watching brief 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.

11. Turning head

The access to the nursery school from Viceroy Road shall only be used once the turning head area and footpath has been provided and made publicly accessible in accordance with the approved plans. The turning head area and footpath shall be thereafter maintained and retained for public access.

REASON: To provide safe access to the development and to prevent congestion on the highway.

15. Hours of Use

The nursery use hereby approved (in accordance with the use restrictions under condition 12) shall not operate outside the following hours:

Monday to Friday - 08:45 to 15:15 hours

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

Additional Condition

Hours of work for Demolition / Clearance / Construction (Performance)

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 to 18:00 hours

Saturdays 09:00 to 13:00 hours

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 Local Planning Authority.

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

NOTE: Councillor Barnes-Andrews declared an interest and withdrew from the meeting

26. **PLANNING APPLICATION- 16/00517/FUL - 30 LILAC ROAD**

The Panel considered the report of the Planning and Development Manager recommending that authority to grant conditional approval in respect of the application for a proposed development at the above address.

Erection of a part single storey part two storey rear extension

The presenting officer reported the need for an additional condition that would limit the numbers of residents to 5.

RECORDED VOTE (to grant planning permission

FOR: Councillors Barnes-Andrews, Coombs, Denness, Hecks
and Mintoff

ABSTAINED: Councillor L Harris

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

Additional Condition

02. NUMBER OF OCCUPIERS

The number of occupiers at the property, in connection with the lawful C4 HMO use, shall not exceed 5 persons unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.