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PLANNING AND RIGHTS OF WAY PANEL (EAST)  
MINUTES OF THE MEETING HELD ON 10 MARCH 2015

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Present: Councillors Lewzey (Chair), Fitzhenry (Except Agenda Item 5 / Minute 54), Hecks, Mintoff and Tucker

52. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that following receipt of the temporary resignation of Councillor Denness from the Panel, the Head of Legal and Democratic Services acting under delegated powers, had appointed Councillor Mintoff to replace them for the purposes of this meeting.

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

**RESOLVED** that the minutes of the meeting held on 10<sup>th</sup> February 2015 be approved and signed as a correct record.

54. **FRUIT AND VEGETABLE MARKET, LAND AT QUEENSWAY / BERNARD STREET - 14/01903/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.

Redevelopment of the site, demolition of existing buildings and erection of buildings ranging in height from four to eight storeys to provide 279 flats (84 x one bedroom and 195 x two bedroom) and 899 square metres of commercial floor space (Use Classes A1, A2, A3, B1a, D1 and D2) in three phases with associated access, parking and public realm improvements (includes stopping up part of the public highway) (amended description).

Simon Reynier (local resident / objecting), Shaun Adams (applicant), David Ramsay (agent) and Councillor Fitzhenry (supporting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the submission of an amended site plan which incorporated an additional 20 parking spaces. The Panel noted that this increased private parking spaces to 149 whilst reducing the amenity space for Phase 2 of the development.

The presenting officer also reported that amendments were needed to the planning conditions listed in the report to reflect that the development would be introduced in three phases. Whilst authority had been delegated to officers to amend planning conditions, the Panel noted that:

- Conditions 5, 7, 16, 17, 20 had been amended to reflect the phasing of the development; and

- That Condition 24 had been amended to a pre-commencement (rather than a performance) condition, and Condition 31 a pre-occupation (rather than a pre-commencement) condition.

**RESOLVED:**

- (i) That authority be delegated to the Planning and Development Manager to grant planning permission for the revised scheme subject to the completion of an amended S106 Legal Agreement to include two additional clauses set out below;
- (ii) That in the event the legal agreement is not completed within two months of the date of the Panel decision, or another date as agreed with the applicant, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement;
- (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; and
- (iv) That the stopping up of the areas of public highway set out in the application be authorised.

**Additional clauses to the Section 106 Agreement**

- a) Provision of CCTV coverage for the commercial units to link into the City network.
- b) Submission of a construction traffic management plan.

RECORDED VOTE to grant planning permission (for the scheme as amended to include provision for 20 additional parking spaces):

FOR: Councillors Lewzey, Mintoff and Tucker  
 AGAINST: Councillor Hecks

NOTE: Councillor Fitzhenry declared an interest in the above application and after making his representation, left the meeting before the determination.

55. **JURDS LAKE CAR PARK, VICTORIA ROAD - 15/00091/R3CFL**

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 part of car park to a ball park to include 3m high fencing, following temporary use planning ref 14/00527/R3CFL.

Jayne Perry (local residents / objecting), Sergeant Holmes (Police / supporting), Nick Yeats (applicant) and Councillors Hammond and Payne (ward councillors / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that:

- An additional 14 letters of support had been received from local residents and one from Spectrum Housing (part of the Centenary Quay development team).
- A parking survey had been received from the applicants which showed a maximum of 10 spaces occupied in the car park.

The Panel noted that the parking provision had been revised up to 38 parking spaces (including three disabled spaces) and that this was an increase from 34 spaces (including six disabled spaces) approved under the temporary planning permission, and from 35 parking spaces submitted as part of the application.

**RESOLVED** that planning permission be granted for the amended application subject to the conditions in the report, and the amended and additional conditions set out below.

### Amended Conditions

#### 3. APPROVAL CONDITION – Landscaping and Parking

The supplementary tree planting shown on plan ref: DWG3 and the amended parking layout with disabled access shown on plan ref: DWG2 and amended DWG5 (dated 5th March 2015) to be carried out prior to the first use of the Multi Use Games Area (MUGA) or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented to be maintained for a minimum period of five years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of five years from the date of planting to 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 to be responsible for any replacements for a period of five years from the date of planting.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

### Additional Conditions

#### 5. APPROVAL CONDITION – Acoustic Fencing

No development to take place until a report, detailing the feasibility of erecting an acoustic barrier and/or alternative acoustic mitigation and management measures to support the Multi Use Games Area as approved, has been submitted to and approved in writing by the Local Planning Authority. Should an acoustic fence be feasible; details of its height, location and design to be provided prior to its installation and the fence erected in accordance with the agreed details before the MUGA is brought into use, and retained thereafter.

Reason:

In the interests of residential amenity and visual appearance.

6. APPROVAL CONDITION – Management Plan

The Multi Use Games Area (MUGA) as approved by the Panel is not to be brought into use until a management plan, detailing how the approved MUGA will be managed to prevent/minimise anti-social behaviour and activity after dark, has been submitted to and approved in writing by the Local Planning Authority. The MUGA to be managed in accordance with the agreed details.

Reason:

In the interests of residential amenity.

RECORDED VOTE to grant planning permission:

FOR: Councillors Fitzhenry, Lewzey, Mintoff and Tucker

ABSTAINED: Councillor Hecks