
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 17 JANUARY 2012

Present: Councillors Jones (Chair), Claisse (Vice-Chair), Cunio, L Harris, Osmond, Thomas and Barnes-Andrews

Apologies: Councillor Mrs Blatchford

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

The Panel noted that Councillor Barnes-Andrews was in attendance as a nominated substitute for Councillor Mrs Blatchford in accordance with Procedure Rule 4.3.

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

The Panel referred to Minute 80 regarding Land Rear of 63 Manor Farm Road, Condition 3, and noted that it was their intention that any means of enclosure to site boundaries with adjoining gardens should be a minimum of 2 metres in height, when measured from the application site finished ground level.

RESOLVED that the Minutes of the Meeting held on 20th December 2011 be approved and signed as a correct record.

CONSIDERATION OF PLANNING APPLICATIONS

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

86. **ADMIRALS QUAY, OCEAN WAY, OCEAN VILLAGE 11/01555/FUL**

Erection of three buildings of 9 - storeys, 16 - storeys and 26 - storeys to provide 299 flats (37 x 1-bedroom, 225 x 2-bedroom and 37 x 3 - bedroom) and 2764 square metres of commercial floor space comprising retail (Class A1) and/or cafes/restaurants (Class A3) and/or drinking establishments (Class A4) with associated storage and parking.

The presenting officer advised that English Heritage had withdrawn their objection and that the city ecologist was satisfied with the ecological report.

Mr Beck (Agent), Mr Clark (supporting) and Mrs Cooper (objecting) (Local Residents) 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 PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY

RESOLVED that

1. Authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-

(a) the completion of a S.106 Legal Agreement to secure the following heads of terms:

- i. 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).
 - ii. A financial contribution towards strategic transport projects for improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
 - iii. Financial contributions towards open space improvements 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).
 - iv. Provision of affordable housing in accordance with Core Strategy Policy CS15.
 - v. A financial contribution towards public realm improvements in accordance with the adopted SPG relating to Planning Obligations (August 2005 as amended).
 - vi. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives in line with Core Strategy Policies CS24 and CS25.
 - vii. 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.
 - viii. Obligations to ensure the permanent provision of public access to the promenade, raised terraces and public square.
 - ix. Submission, approval and implementation of a Waste Management Plan.
 - x. Submission and implementation of a Travel Plan.
 - xi. Obligations to prevent residential occupiers of the development using the public car parking spaces on a permanent basis.
 - xiii. Submission and implementation of a Flood Management Plan.
- (b) the conditions in the report and the amended and additional conditions set out below:

2. Delegated powers being given to the Planning and Development Manager to vary relevant parts of the Section 106 agreement and to vary or add conditions

as necessary as a result of further negotiations with the applicant and analysis of the viability appraisal.

3. If details of materials to be submitted pursuant to condition 2. are the same as those presented to Panel, then power is delegated to the Planning and Development Manager to discharge the requirements of Condition 2 (Details of Building Materials).
4. If there is a significant change to the details of materials from that presented to the Panel then the discharge of condition 2. should be determined by the Planning and Rights of Way Panel.
5. The Planning and Development Manager shall consult the Chair of the Planning and Rights of Way Panel to determine whether any change to materials submitted to condition 2. is significant.

Amended Condition

24 Hours of Use – Food/drink establishments

The food and drink uses / drinking establishments hereby permitted shall not operate (meaning that customers shall not be present on the premises, no sale or delivery of food or drink for consumption on or off the premises) outside the hours of 0730 to midnight on any day.

Reason:

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

Additional Conditions

37. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted Ecological Appraisal Report from Aluco Ecology dated December 2011 with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

REASON

To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

38. APPROVAL CONDITION - Doors within basement car park (Performance Condition)

Notwithstanding what is shown on approved drawing number 10.001.130, and before the basement car park is brought into use, the doors to the cycle stores shall be designed so as not to open outwards onto the manoeuvring areas for vehicles.

REASON

In the interests of public safety.

39. APPROVAL CONDITION - Traffic lights to car park (Pre-Occupation Condition)

The basement car park to Buildings 1 and 2 shall not be brought into use until traffic light controls on vehicle entry and exit has been installed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The approved traffic light controls shall subsequently be retained unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of highway safety and to prevent congestion in the access road.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Local Planning Authority is satisfied that the application site on the waterfront is an appropriate location for tall buildings and that the detailed design treatment is satisfactory. Furthermore the LPA is satisfied that the proposed development would not have a detrimental impact on the setting of listed buildings nearby or on the character and appearance of the adjoining Canute Road Conservation Area. 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 be granted.

Policies - SDP1, SDP6, SDP7, SDP9, SDP10, SDP13, HE1, HE3, HE6, CLT5, CLT6, CLT11, CLT14, H1, H2, H7, REI7 and MSA1 of the City of Southampton Local Plan Review (March 2006) and Policies CS1, CS3, CS4, CS6, CS12, CS13, CS14, CS15, CS16, CS19, CS20, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

87. FORMER DILLONS GARDEN SHEDS SITE, OLD REDBRIDGE ROAD / 11/01506/FUL

Part retrospective change of use from previous use for manufacture and sale of timber sheds to use for painting contractors premises, vehicle repair and MOT Testing and storage purposes together with the retention of 3m high close boarded fencing to the eastern site boundary and siting of a portable building (resubmission of 11/00199/FUL).

Mr Sayle (Agent), Mr Sanders (Vice President Redbridge Residents Association - objecting) and Councillor Pope (Ward Councillor - objecting) were 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 UNANIMOUSLY

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

Additional Conditions

13 APPROVAL CONDITION – Site Management Plan [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall operated in accordance with the submitted Paris Smith Site Management Plan (October 2011).

REASON

In the interests of highway safety and the amenities of the occupiers of the neighbouring properties.

14 APPROVAL CONDITION – Restriction on Vehicle Movements [performance condition]

The number of HGV movement associated with the uses hereby approved shall not exceed a total of 35 trips per day and within three months of the date of this permission, a method for monitoring the number of HGV trips shall be submitted to and agreed in writing by the Local Planning Authority. The method of monitoring shall be in place three months after being approved in writing by the Local Planning Authority and thereafter retained as approved.

REASON

In order that the Local Planning Authority can control the number of vehicles entering and leaving the site in the interests of highway safety and residential amenity.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 17.01.12 do not have sufficient weight to justify a refusal of the application. With the removal of the use of unit 3 for the storage and sorting of recycled materials, the proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP16, and T12 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS6, CS7, CS13, CS19 and CS23 and the Council’s current adopted Supplementary Planning Guidance.

88. **45 THE PARKWAY, SO16 3PD 11/01855/FUL**

Retention of engineering operations to terrace rear garden with associated landscaping to lower retaining wall.

Mr Sayle (Agent) and Mr Moore (East Bassett Residents Association - supporting) were 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 UNANIMOUSLY

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

Amended Condition

3 Implementation/maintenance of soft planting

Insert date of 13 January 2012 to make condition complete.

Additional Note

The Panel asked the Planning Officer to consult the Tree Team to enquire if consideration could be given to the trees at the rear boundary of the garden being placed under a Tree Preservation Order, such that they might be retained/protected.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including a recent Appeal decision dated 25 July 2011, impact on the character and appearance of the area and neighbouring residential amenities have been considered and are not judged to have sufficient weight to justify a refusal of the application. 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, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

89. **ENFORCEMENT REPORT IN RESPECT OF 141 BURGESS ROAD, BASSETT**

The Panel considered the report of the Planning and Development Manager in respect of an unauthorised change of use of 141 Burgess Road and the possibility of serving a Planning Enforcement Notice. (Copy of report circulated with the agenda and attached to the signed minutes).

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

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION NOT TO SERVE AN ENFORCEMENT NOTICE WAS CARRIED UNANIMOUSLY

RESOLVED

- (i) that at the current time it is not expedient to service a planning enforcement notice in respect of the change of use of 141 Burgess Road from a single, four-bedroom dwelling to an office, even though it contravened Policy H6 of the City of Southampton Local Plan Review, as a new house had been

- constructed within the sub-plot of the site and therefore case 06/00075/UURES should be closed.
- (ii) that the unauthorised use should be kept under review if complaints are received until 1st March 2016, unless planning permission for business use of 141 Burgess Road was given before that date.

Reason for report recommendations

A new house has been constructed within the sub-plot of the site of 141 Burgess Road and therefore is no longer a contravention of Policy H6 of the City of Southampton Local Plan Review.

90. **PUBLIC RIGHTS OF WAY: ANNUAL UPDATE REPORT**

The Panel received and noted the report of the Head of Planning and Sustainability regarding an annual update on the main activities of the Council's Rights of Way function. (Copy of report circulated with the agenda and attached to the signed minutes).

Councillor Thomas expressed his thanks to the presenting officer for his hard work in compiling the annual update to the Panel.