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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 14 MARCH 2017

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Present: Councillors Denness (Chair), Coombs (Vice-Chair), Barnes-Andrews, Claisse (except Minute Number 81), L Harris, Hecks (Except Minute Number 79) and Mintoff

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

**RESOLVED:** that the minutes for the Panel meeting on 21 February 2017 be approved and signed as a correct record.

77. **PLANNING APPLICATION - 16/02016/FUL - CHAPEL RIVERSIDE**

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

Demolition of all existing buildings and structures and site clearance. Outline planning permission sought for 457 residential units, 4,963 sqm (GIA) commercial floorspace (Use Classes B1/B2/B8) and 946 sqm (GIA) of flexible retail floorspace (Use Classes A1/A2/A3/A4) in buildings ranging from 1 to 13 storeys and the creation of a riverside walkway/cycleway. Full planning permission sought for the development of Phase 1 comprising 72 residential units (comprising a mix of 24 x 1 bed and 48 x 2 bed units) and 322 sqm of flexible retail floorspace (Use Classes A1/A2/A3/A4) within 4-storey buildings with associated access, parking and landscaping

Clive Aylett (25<sup>th</sup> Southampton Sea Scouts), Milo Maguire (local resident objecting), Simon Reynier (City of Southampton Society), Gavin Hall (agent) and Mark Gilpin (applicant) were present and with the consent of the Chair, addressed the meeting.

Presenting officer noted that some changes to the S106 agreement were required. It was noted that the terms of the agreement needed to reflect concerns of Panel in regard to the provision of and retention of the public square. The amendments reflected the concern of the Panel over parking within the development and in particular use of the new public square for parking. In addition the S106 would need to be amended to strengthen the provision of public art clause to include reference to the heritage of the site, in particular the location of Trinity Chapel on the site. These changes are set in the recommendation below.

In order to reflect the importance of the heritage of the site, Condition 19 was amended. In addition further conditions were added to approval that reflected the need for the proper phasing of the river wall and the Panel's requirement for a Green roof feasibility study.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment. The Panel then considered the recommendation to delegate authority to the Service

Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
  - a. Financial contributions towards site specific transport improvements in the vicinity of the site 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).
  - b. Financial contributions towards site specific transport improvements in the vicinity of the site 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).
  - c. Provision, retention and management of the public square together with securing public access in perpetuity and preventing its use for public car parking.
  - d. 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.
  - e. Submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 and 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).
  - f. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
  - g. Provision of public art in accordance with the Council's Public Art Strategy and the Council's Developer Contributions Supplementary Planning Document to include reference to the heritage of the site, in particular the location of Trinity Chapel on the site.
  - h. Provision, management and retention of a riverside walkway with permanent rights of public access.
  - i. Financial contributions or other measures towards the Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved Policy SDP 12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).
  - j. The phasing of the development.
  - k. Flood risk management plan.
  - l. Submission and implementation of a Travel Plan.

- m. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
  - n. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No resident of the development, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
  - o. The provision and retention of football match day car parking controls.
  - p. A construction management plan including the routeing of construction traffic.
  - q. The provision of on-site play space.
  - r. Public realm improvements to the Crosshouse Grade II Listed Building
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead- Planning Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (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.

## **ADDITIONAL AND AMENDED CONDITIONS**

### **AMENDED CONDITION**

#### **19. ARCHAEOLOGICAL DAMAGE-ASSESSMENT (PRE-COMMENCEMENT CONDITION)**

Prior to the commencement of each phase of development, the developer will submit plans for that phase of the development showing the type and dimensions of all proposed groundworks, to be agreed by the Local Planning Authority which will ensure the remains of Trinity Chapel are preserved in situ. The developer will restrict groundworks 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.

### **ADDITIONAL CONDITIONS**

#### **RIVER WALL PHASING (PERFORMANCE CONDITION)**

With the exception of site clearance and demolition, no development shall commence until the phasing for the implementation of the river wall, approved by application 16/00050/FUL, has been submitted to and agreed in writing by the Local Plan Authority. The development shall proceed in accordance with the agreed details.

REASON: To ensure that the development is made safe from flooding.

#### **GREEN ROOF FEASIBILITY STUDY (PRE-COMMENCEMENT)**

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the superstructure of the buildings hereby granted consent. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered

fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

REASON: To reduce flood risk and manage surface water runoff in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

78. **PLANNING APPLICATION - 15/02410/FUL - 69 - 73 ANGLESEA ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure 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. Erection of a part two-storey and part three-storey building fronting Anglesea Road to provide 41 retirement flats with the erection of 16 dwellinghouses (including 6 bungalows) accessed from Stratton Road with associated access, parking and landscaping - Description amended after validation following changes to the proposed layout and the replacement of a flatted block of 20 flats with 12 houses.

Gian Bendinelli was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported some slight change to the report regarding to the viability of the application. It was reported further clarification was being sort in regard to the land deal as it affected the existing tenants. It was reported that the Council's independent advisor did not expect this issue to improve the viability of the scheme significantly. It was further noted that legal advice taken in regard to this alternative was not supported by the Development Plan and should not be considered further.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment. The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried

RECORDED VOTE to grant planning permission

FOR: Councillors Denness, Coombs, Barnes-Andrews, Claisse,  
L Harris and Hecks

ABSTAINED: Councillor Mintoff

**RESOLVED** that the Panel:

- (i) Confirmed the Habitats Regulations Assessment set out in Appendix 1 of the report;

- (ii) Delegated authority to the Service Lead – Planning, Infrastructure and Development to grant planning permission subject to the planning conditions recommended at the end of this report; any amendments set out below; and the completion of a S.106 Legal Agreement to secure:
  - a. Either a s.278 agreement or financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site – including works to both Stratton Road and Anglesea Road to improve access, visibility and pedestrian safety (where necessary) - 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);
  - b. 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);
  - c. 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;
  - d. Submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & 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);
  - e. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013);
  - f. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy, the Solent Disturbance Mitigation Project (SDMP) and the Conservation of Habitats and Species Regulations 2010 as set out in the attached Habitats Regulations Assessment;
  - g. Parking permit restriction to prevent residents gaining permits for the nearby Controlled Parking Zone.
- (iii) 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 Service Lead – Planning, Infrastructure and Development 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.
- (iv) That the Service Lead – Planning, Infrastructure and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

79. **PLANNING APPLICATION - 16/01826/FUL - HAREFIELD PRIMARY SCHOOL**

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

Erection of a single storey detached classroom.

Mark Vallis and Julie Marsh (local residents objecting) and Gary Hampton (Executive Head Teacher) and with the consent of the Chair, addressed the meeting.

The presenting officer acknowledged the residents' and Panel concerns about the delivery times for materials and hours of use for the facility and gave assurance that the travel plan would cover these matters and that a condition would be added to the planning permission.

Upon being put to the vote was then put to the vote the officer recommendation to delegate authority to the Service Lead- Planning Infrastructure and Development was carried.

**RESOLVED**

- (i) Delegate to the Service Lead - Planning, Infrastructure and Development to grant planning permission subject to: the conditions listed in the report; any amendments to the conditions listed below; and the completion of a Section 106 legal agreement to secure:
  - a. 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 (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);
  - b. 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.
  - c. Submission and implementation within a specified timescale of a Travel Plan;
- (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 Service Lead – Planning, Infrastructure and Development 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 Service Lead Infrastructure, Planning and Development be given delegated powers to add, vary and/or delete relevant parts of the Section 106 legal agreement and/or conditions as necessary.

## **ADDITIONAL CONDITIONS**

CONSTRUCTION DELIVERY HOURS RESTRICTION. PERFORMANCE CONDITION. The delivery of construction related materials and equipment to the site shall not take place between the following hours (Monday to Friday) unless otherwise agreed in writing by the local planning authority:

- 07:30 – 09:15.
- 14:45 – 15:45

REASON: To prevent a potential source of on street parking pressure/potentially leading to congestion within nearby roads and in the interests of the amenity of residents living nearby, in particular on Yeovil Chase.

SCHOOL TRAVEL PLAN. PRE-OCCUPATION CONDITION.

Prior to the occupation of the development hereby approved written documentary evidence demonstrating that the school travel plan has achieved the silver accreditation level under the STARS scoring system must be submitted to and approved in writing by the Local Planning Authority.

REASON: To reduce congestion and parking pressure in nearby roads, in particular Yeovil Chase; and in the interests of neighbouring residential amenity.

**NOTE:** Councillor Hecks declared an interest and withdrew from the meeting.

### 80. **PLANNING APPLICATION - 16/00328/FUL - GLYN COURT, 37 ARCHERS ROAD SOUTHAMPTON**

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

Proposed fourth storey extension to existing building to create 2 additional 2 bedroom flats with associated parking and bin and bike storage.

John Newton (local resident objecting) and Councillors Moulton and Shields (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported two further bits of correspondence had been received. A photograph showing perceived poor workmanship of neighbouring building and a suggestion that plans are not shown correctly and that amendments have been made without further consultation. Officers noted that the workmanship on the neighbouring building was not a material consideration. In regard to the measurements it was noted that highways officers had visited the site and measured the access points and driveway. It was explained that whilst it did appear that the received plans were inaccurate the principle and feasibility of the scheme would not be affected and that the addition of further conditions, as set out below, would resolve issues relating to access, parking, and bicycle storage and garden access.

Upon being put to the vote the officer recommendation to delegate authority to the Service Lead- Planning Infrastructure and Development was carried.

**RESOLVED** that the Panel

- (i) Delegate to the Planning and Development Manager to grant planning permission subject to the planning conditions recommended at the end of this report; any amendments agreed at the meeting; and the completion of a S.106 Legal Agreement to secure:
  - a. Financial contributions towards Solent Disturbance Mitigation Project in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (ii) In the event that financial contributions towards Solent Disturbance Mitigation Project are not completed within one month of the decision of the Planning and Rights of Way Panel, the Service Lead - Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure of the application to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline contrary to Policy CS22 of the Council's Amended Core Strategy (2015) as supported by the Habitats Regulations.
- (iii) That the Planning and Development Manager be given delegated powers to add, vary and /or delete conditions as necessary.

**Amended Conditions**

**06 PARKING AND ACCESS (PRE-OCCUPATION)**

The 2 additional parking spaces shown on the approved amended plans shall be clearly marked out as agreed before the development first comes into occupation and shall thereafter be retained as approved. Notwithstanding the approved amended plan the site access on site from Archers Road shall be widened to provide a minimum width of 5 metres at the back edge of pavement with the affected gate post removed and rebuilt to match the existing gate post in order to mark this position. These access works shall be implemented in full prior to the first occupation of the development and shall thereafter be retained as approved.

REASON: To correct the discrepancy within the plans, to prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

**07. REFUSE & RECYCLING (PERFORMANCE)**

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and it shall thereafter be retained as approved. For the avoidance of doubt the bin store shall be served by a purpose made smooth pathway (rather than the loose gravel currently shown) linking it to the public highway.

REASON: In the interest of visual and residential amenity and to ensure ease of access for refuse collection.

*Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at [Waste.management@southampton.gov.uk](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements*



#### 08. CYCLE STORAGE FACILITIES (PRE-COMMENCEMENT CONDITION)

Notwithstanding the approved drawing before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

REASON: To encourage cycling as an alternative form of transport.

*Note to Applicant:*

*As shown on amended plan ref: 101a the cycle storage impinges on safe access and moving the store to the rear of the site will improve access and cycle security.*

#### **Additional Conditions**

#### 13. AMENITY SPACE ACCESS

The sunken lawned garden to the front of the site shall be maintained in an appropriate condition for its ongoing use, with unfettered access, by the residents and their visitors of the existing and approved flats (8 in total) at 37 Archers Road ('Glyn Court') for the lifetime of the development. Access to this amenity space by all affected residents shall be first made available prior to the first occupation of the development hereby approved, if not before.

REASON: To ensure that all flats within this development have unfettered access to an external amenity space that it fit for purpose following the intensification of development hereby permitted.

#### 81. **PLANNING APPLICATION - 16/02101/FUL- 267-271 PORTSWOOD ROAD**

The Panel considered the report of the Service Head, Planning, Infrastructure and Development Manager recommending that authority for conditional approval, in respect of the application for a proposed development at the above address, be granted.

Change of use from bank (Class A2) to a restaurant/Cafe (Class A3) and installation of extraction flue.

Verena Coleman (local resident objecting) and Councillor Claisse (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel sought assurances that the change of use to a restaurant/café would not cause harm or inconvenience to the neighbouring residents. Officers amended condition relating to deliveries and sound proofing to mitigate the potential affect of the change and noted that the Council's policy was to support the development of the City's district centres.

Upon being put to the vote the officer recommendation recommending approval was carried.

RECORDED VOTE to grant planning permission

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

AGAINST: Councillors L Harris and Mintoff

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

### **ADDITIONAL AND AMENDED CONDITIONS**

#### **8. APPROVAL CONDITION – SOUNDPROOFING MEASURES (INTERNAL NOISE SOURCE) (PRE-COMMENCEMENT CONDITION)**

Prior to the commencement of the development hereby approved, an acoustic assessment shall be submitted and agreed in writing to the Local Planning Authority which assess the acoustic performance of the building in relation to the adjacent retirement flats within Victoria Lodge and provides details of any necessary soundproofing to mitigate any noise impact. Any soundproofing measures shall, where considered necessary, include mitigation to existing window openings and shall be implemented before the use hereby approved commences and thereafter retained as approved.

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

#### **9. APPROVED PLANS**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

REASON: For the avoidance of doubt and in the interests of proper planning.

**NOTE:** Councillor Claisse declared a public objection to the application and withdrew from the Panel and the meeting.

### **82. PLANNING APPLICATION - 17/00055/FUL - 21-22 HANOVER BUILDING**

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

Change of use of ground floor from use classes A1/A2/A3 to use class D1 for a meditation centre.

Adam Taylor (local residents objecting) and Robert Dent (applicant) and with the consent of the Chair, addressed the meeting.

Upon being put to the vote the officer recommendation recommending approval was carried.

RECORDED VOTE to grant planning permission

FOR: Councillors Denness, Coombs, Barnes-Andrews, Claisse  
L Harris and Mintoff

ABSTAINED: Councillor Hecks

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

83. **PLANNING APPLICATION - 16/01807/FUL - 6 SPINDLEWOOD CLOSE**

The Panel considered the report of the Service Head, Planning, Infrastructure and Development Manager recommending that authority for conditional approval, in respect of the application for a proposed development at the above address, be granted.

Replacement roof to create additional floor, first floor front extension and balcony.

The Panel noted the concerns of Panel that the site had seen a number of trees with protection orders on them removed and questioned why no action seem to have been taken. The Panel received assurance that the Service Lead – Planning, Infrastructure and Development would review the situation. The Panel also noted that this was a separate matter to the application for planning approval.

Upon being put to the vote the officer recommendation recommending approval was carried.

RECORDED VOTE to grant planning permission

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

ABSTAINED: Councillor L Harris

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

84. **PLANNING APPLICATION - 16/01926/FUL -19 DARWIN ROAD**

The Panel considered the report of the Service Head, Planning, Infrastructure and Development Manager recommending that authority for conditional approval, in respect of the application for a proposed development at the above address, be granted.

Erection of a single storey rear extension.

Mr Rana (applicant) and Councillor Shields (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

Upon being put to the vote the officer recommendation recommending approval was carried.

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