
PLANNING AND RIGHTS OF WAY PANEL (EAST)
MINUTES OF THE MEETING HELD ON 1 MARCH 2016

Present: Councillors Tucker (Vice-Chair), Hecks, Coombs, Wilkinson and Shields

Apologies: Councillors Denness

45. **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 Service Director, Legal and Governance, acting under delegated powers, had appointed Councillor Shields to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meeting held on 19 January 2016 be approved and signed as a correct record.

47. **FORMER CO-OP, VICTORIA ROAD SO19 9DY 15/01939/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 the existing building and erection of a two-storey building to provide a Lidl food store with associated car parking.

Peter Clark, Mr and Mrs West, Mr Dixey, Mr Doak, Marylin Jack, Maureen Wilkins, Mr Paine, Mr Heath (local residents/ supporting), Jason Gratton (applicant), and Councillors Hammond and Payne (ward councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the report had been amended to include an additional condition seeking a Trolley Management Plan. In addition to reflect the Panel's desire to ensure that Ward Councillors are notified of the species and size of any trees proposed when the submission for the discharge of condition 22 (Landscaping, lighting and means of enclosure detailed plan) an additional informative to the decision notice would added.

RESOLVED 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 additional conditions, set out below.

Additional Condition

30. APPROVAL CONDITION: Trolley Management Plan

Details of measures to ensure that shopping trolleys remain within the site and for the proper management of the storage and retrieval of trolleys shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the

development hereby permitted. Such additional measures as might subsequently be required from time to time shall also be agreed in writing with the Local Planning Authority. The trolleys associated with the site shall at all times be managed in accordance with the approved scheme.

REASON: To ensure that trolleys are curtailed within the site and are not allowed to create obstacles on the highway or harm to the visual amenities of the area.

The Planning and Rights of Way Panel also requested an extra informative to be added to the decision notice. This is to ensure that Ward Councillors are notified of the species and size of any trees proposed when the submission for the discharge of condition 22 (Landscaping, lighting and means of enclosure detailed plan) is made.

NOTE: This new information will read as follows:

“33. Note to applicant: Submission for condition 22 (Landscaping, lighting and means of enclosure detailed plan). Details provided as part of any formal submission for the discharge of condition 22 will be made available to Ward Councillors (outside of a Planning and Rights of Way Panel meeting) to review and comment on prior to their final approval.”

48. **UNIVERSITY / SALISBURY ROAD 15/02460/FUL AND 15/02461/FUL**

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

- (i) Application Number 15/02460/FUL
Demolition of existing building and erection of a new part 4-storey and part 7-storey building to provide a new teaching and learning centre comprising lecture theatres, seminar rooms, teaching and learning spaces and a cafe with associated landscape, infrastructure and other works.
- (ii) Application Number 15/02461/FUL
Landscaping and traffic calming measures to Salisbury Road, including alterations to vehicular access and utilities following proposed stopping up of Salisbury Road as public highway.

Jerry Gillen, Adrian Vinson, (Highfield Residents Association/ objecting), Graham Linecar (Southampton Commons and Park Protection Society), Chris Pattison (agent), Ian Dunn (applicant), and Councillor Claisse (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer advised the Panel in relation to Application Number 15/02461/FUL an administrative error had resulted in the objectors to the application had not being notified of the Panel meeting.

In relation to Application Number 15/02460/FUL the presenting officer noted that the Highfield Residents Association had submitted a further representation setting out a Counsel Opinion which advised that the recommendation failed to deal with Policy H13 of the City of Southampton Local Plan Review adopted Version 2nd Revision (2015). In addition the Counsel opinion had questioned the legitimacy of an East Panel to determine of this application and sought to defer any decision of the application. In response the Panel's legal advisor gave verbal response to the Counsel Opinion and

confirmed that the East Panel were free to make a decision on the application. The legal advisor also confirmed that the assessment of Policy H13 is adequately covered both in the case officer's report and by the applicant in their correspondence.

In response to the representation from SCCAPS and enquiries from Members of the Panel, it was suggested by officers and agreed that the S106 recommendation should be amended to include land up to the boundary with the Common. In addition it was noted that Southampton Airport had now withdrawn their holding objection to the application.

RESOLVED

- (i) In regard to Application Number 15/02461/FUL that consideration of this application be deferred to a future meeting;
- (ii) In regard to Application Number 15/02460/FUL 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, set out below;

Application Number 15/02460/FUL Amend S106 clause (i) to read:

"The delivery of a scheme of hard and soft landscaping and highway works for the enhancement of Salisbury Road for all users, including pedestrians and cyclists, possibly through a s.278 depending upon the outcome of the 'Stopping Up' procedure, 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). **These works to include all land up to the boundary with the Common; with the improvements between the red line application site and the Common either being undertaken by the applicant or by the Council following a financial contribution.** To include a contribution (if required) to cover the cost of any necessary Traffic Regulation Orders. Delivery within 6 months from the date of first use of the building;"

49. 10-11 PALMERSTON ROAD SO14 1LL 15/02208/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.

Alterations Including Rear Extensions At First And Second Floor Levels And Reconstruction Of The Roof In Connection With Conversion Of The Existing Public House Into 13 Flats (8 X Studios And 5 X 1 Bedroom) With Associated Works.

Rob Wiles (agent), was present and with the consent of the Chair, addressed the meeting.

The Panel discussed the landscaping and whether there should be additional sound proofing controlled by condition, in addition to the requirements of building regulations, added to the corridor at ground floor level to improve the residential environment in the building.

RECORDED VOTE to grant planning permission
FOR: Councillors Coombs, Tucker and Wilkinson
ABSTAINED: Councillors Hecks and Shields

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 amended conditions, set out below.

Amended / Additional Conditions

Amended Conditions

CONDITION 5: GLAZING - SOUNDPROOFING FROM EXTERNAL TRAFFIC NOISE [PRE-OCCUPATION CONDITION]

The residential units hereby approved shall not be occupied until a scheme for protecting the proposed flats from traffic noise from Palmerston Road has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:-

- Outer pane of glass - 10mm;
- Air gap between panes - 12mm; and
- Inner pane of glass - 6 mm

or, with secondary glazing with a –

- Outer pane of glass - 6mm;
- Air gap between panes - 100mm; and
- Inner pane of glass - 6.4 mm

For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

REASON: In order to protect occupiers of the flats from traffic noise.

CONDITION 13: ARCHAEOLOGICAL WATCHING BRIEF WORK PROGRAMME [PERFORMANCE CONDITION]

The developer shall 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

LANDSCAPING, LIGHTING & MEANS OF ENCLOSURE DETAILED PLAN (PRE-COMMENCEMENT)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- (i) proposed finished ground levels or contours; means of enclosure; pedestrian access and circulations areas, **hard surfacing materials (these must be composed of permeable materials)**, structures and ancillary objects (refuse bins, lighting columns etc.);

- (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (iii) **details of a method of forming defensible space in front of habitable room windows which overlook the rear amenity space of the site (basement level).**
- (iv) an accurate plot of all trees to be retained and to be lost. 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);
- (v) details of any proposed boundary treatment, including retaining walls and;
- (vi) a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the whole site 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.

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.

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

50. **34 ALBANY ROAD 15/02363/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.

Erection of a part two-storey and part single-storey building with accommodation in the roof to create 3 flats (1 x three bed and 2 x one bed) with associated cycle and refuse storage following demolition of existing building. (resubmission 15/01839/FUL)

Dave Nobby (local resident/ objecting), Amrik Chahal (agent), and Councillor Moulton (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

On being put to the vote the officer recommendation to conditionally approve this item was lost. A further resolution to refuse the application for the reasons set out below was proposed by Councillor Tucker.

RESOLVED that conditional planning permission be refused for the reasons set out below.

REASON FOR REFUSAL: Insufficient Information relating to car parking. Based on the information submitted, the applicant has failed to adequately demonstrate that the development would not have a harmful impact on the amenities of nearby residential occupiers through increased competition for on-street car parking. In the absence of an on-street car parking survey it is not clear the provision of no on-site car parking for a more intensive residential development would be acceptable. The development would, therefore, be contrary to the provisions of Policy SDP1 and H2 (iii) of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

NOTE: Councillor Shields declared an interest and withdrew from the meeting during the consideration of this item.

51. **70 COBDEN AVENUE 16/00083/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 the existing building and erection of 7 x dwellings (3 x four-bedroom 2 x three-bedroom houses, 2 x two-bed flats) with associated access, parking and landscaping (revised resubmission

Sarah Adamson (local resident objecting), Naomi Classweller (applicant), and Councillor Fuller (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported various updates to the conditions set out in the report relating to the parking and access, environmental mitigation of the site, and landscaping of the site. On being put to the vote the officer's recommendation to delegate planning permission to the Planning and Development manager was lost.

A further resolution to refuse the application for the reasons set out below was proposed by Councillor Tucker.

RECORDED VOTE to refuse planning permission

FOR: Councillors Tucker, Coombs, Hecks and Wilkinson

ABSTAINED: Councillor Shields

RESOLVED to refuse planning permission for the reasons set out below:

Reasons for Refusal

The amenity space shown to serve the proposed development is not considered to be fit for its intended purpose as useable external space to serve the prospective residents. In particular, the proximity of the canopy of protected trees to the private garden spaces serving plots 6-7 and 3 would result in excessive shading to the detriment of the usability of the garden space. The proposal would, therefore, introduce additional and unreasonable pressure for the cutting back and/or removal of overhanging branches of these trees to the detriment of the character and amenities of

the area. As such, the proposal would be contrary to saved policies SDP1(i), SDP7, SDP12, H7 of the Local Plan Review (March 2015 amended) and policy CS13 of the Core Strategy (March 2015 amended) as supported by paragraph 2.3.14, section 4.4 and paragraphs 4.8.7 to 4.8.8 of the Residential Design Guide Supplementary Planning Document (September 2006).

52. **36 DELL ROAD 15/01621/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 2 x four bedroom houses.

Stuart Buckham (local residents/ objecting), Ian Knight (agent), were present and with the consent of the Chair, addressed the meeting.

RESOLVED

- (i) to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S111 Legal Agreement and the conditions listed in the report.

53. **ALBION TOWERS, GOLDEN GROVE 15/02429/DIS**

The Panel considered a report of the Planning and Development Manager setting out objections to proposed discharge of Condition 2 planning application 14/01577/R3CFL at the above address.

Councillor Noon (ward councillor) and Councillor Payne (Cabinet Member for •Housing and Sustainability) were present and with the consent of the Chair, addressed the meeting. Councillors Noon and Payne spoke in favour of the colour scheme proposed by the applicant and supported by the residents within the block.

On being put to the vote the officer recommendation to refuse to discharge the condition was lost. A further recommendation proposed by Councillor Hecks and seconded by Councillor Shields to approve to discharge condition

RECORDED VOTE Approve the discharge of Condition 2 of planning reference number 14/01577/R3CFL.

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

RESOLVED that the Panel agreed to approve the discharge condition 2 on the basis of submitted option1.