

PLANNING AND RIGHTS OF WAY PANEL

MINUTES OF THE MEETING HELD ON 24<sup>TH</sup> NOVEMBER 2009

Present: Councillor Fitzhenry (Chair), Councillors Mrs Blatchford, Cunio, Davis, Jones (Vice-Chair), Norris and Osmond

38, CONSIDERATION OF PLANNING APPLICATIONS

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

38.4

09/00966/OUT 24-32 Canute Road, 157-159 Albert Road South and adjoining public highway

Redevelopment of the site with a 6-storey building fronting Canute Road and a 7-storey building fronting Albert Road South to provide 53 flats (37 x one bedroom and 16 x two-bedroom) and four Class A1/A3 commercial units with associated car parking, landscaping and highway works including the closure of part of the public highway in Albert Road South (Outline application seeking approval for layout, access and scale).

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

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE DEVELOPMENT CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY

RESOLVED

(i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-

a) the conditions in the report, the amended and additional conditions below;

b) the applicant entering into a Section 106 Legal Agreement to secure:

1 site specific highway works in the vicinity of the site to be secured through a Section 278 agreement;

2 provision of affordable housing in accordance with policy;

3 a financial contribution towards public realm improvements in accordance with policy;

4 a financial contribution towards strategic transport improvements in accordance with policy;

5 a financial contribution towards open space improvements in accordance with policy;

6 a highway condition survey;

7 Training and Employment Management Plan;

8 dedication of land to public use on the north side of Albert Road South in connection with alterations to the public highway;

9 a requirement that the development shall not commence, save for demolition of the existing buildings and such site preparation as shall be agreed until the road closure procedure has been finalised;

10 the developer paying for the necessary Traffic Regulation Order;

11 submission and implementation of a Travel Plan;

12 Resource Conservation Measures to comply with Policy SDP 13 of the Local Plan;

(ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed within two months from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

#### Amended Conditions

#### 3 – Land/Groundwater Contamination

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(i) a preliminary risk assessment which has identified: all previous uses

- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

(ii) a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(iii) the site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

#### REASON:

To protect the minor aquifer beneath the site and the surface waters in the vicinity. The site may be contaminated due to previous activities that have taken

place on site. Risk to groundwater and surface water has not yet been fully established at the site.

#### 4 – Unsuspected Contamination

If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

##### REASON:

To protect controlled waters from contamination. Due to the historic uses of the site, there may be areas of contamination on site that are not identified and characterised during intrusive site investigations.

#### 8 – Flooding

No development shall take place until the raised platform in Albert Road South has been provided to a minimum height of 3.95 metres above Ordnance Datum as shown on the approved drawings and the vehicle turning areas to be provided shall be identified in accordance with detailed drawings which shall first have been submitted to and approved in writing by the Local Planning Authority.

##### REASON:

To ensure the safety of future occupiers of the development in the event of a flood.

#### Additional Conditions

#### 26 – Contamination Verification Report

Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

##### REASON:

To ensure that any remediation is satisfactorily completed, if deemed necessary.

#### 27 – Piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

##### REASON:

To protect controlled waters from contamination by preventing the creation of potential contaminant pathways.

## 28 – Flood Risk Mitigation

Prior to the development hereby approved being occupied the development must fully comply with the mitigation strategy detailed within the Flood Risk Assessment (FRA), FRMS07123-4, 17th August 2009 and drawing 2009/SOU/03 Revision P4.

### REASON:

To ensure that a site can be developed safely the FRA is proposing mitigation measures that ensure that flood risk to the development is managed. It is essential that this mitigation is completed before any of the site is occupied

### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has also taken into account the findings of the specialist reports submitted with the application particularly that relating to flood risk. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

Policies SDP1, SDP2, SDP3, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP13, H1, H2, H7, H9, H12, IMP1. City of Southampton Local Plan (March 2006).