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SOUTHAMPTON CITY COUNCIL  
PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 17 APRIL 2012

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Present: Councillors Jones (Chair), Claisse (Vice-Chair), Mrs Blatchford, Cunio, L Harris, Osmond (Except Minute 121) and Thomas

113. **MINUTES OF THE PREVIOUS MEETINGS(INCLUDING MATTERS ARISING)**

**RESOLVED** that the Minutes of the Meetings held on 14<sup>th</sup> February 2012 and 13<sup>th</sup> March 2012 be approved and signed as a correct record.

114. **PART OF FORMER ORDNANCE SURVEY SITE 11/01994/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 to provide 193 dwellings (113 houses and 80 flats) within 2, 3 and 4 storey buildings and conversion of Crabwood House with associated access, parking and landscaping works (As amended by plans received 27.02.2012). (Copy of the report circulated with the agenda and appended to the signed minutes).

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

**RESOLVED** unanimously to delegate authority to the Planning and Development Manager to **grant** planning permission subject to the criteria listed in the report and subject to the following additional Heads of Terms to the S106 Agreement:

- (ix) Submission of a Habitat Management Plan;
- (x) Details of public routes to be provided and maintained;
- (xi) A restriction on future occupiers so they will not be able to receive parking permits, if a TRO is introduced.

115. **RIDGEWAY SCHOOL AND PROSPECT HOUSE, FREEMANTLE COMMON ROAD 12/00168/R30L**

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.

Re-development of the site, demolition of the existing buildings and provision of 30 new houses (23 x three bedroom, 7 x four bedroom) with associated parking and access from Freemantle Common Road with provision of new pedestrian footpath. (Outline application seeking approval for access, layout and scale). (Copy of the report circulated with the agenda and appended to the signed minutes).

Mrs Martin and Mrs Iron-Smith (objecting) (Southampton Commons and Parks Protection Society) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an adjustment to the report so that it should read “Application Type – Outline” and two adjustments to the Delegation Recommendation so that it should read:

“Delegate to the Planning and Development Manager to grant planning permission subject to:

The receipt of an undertaking from the Head of Property and Procurement Services that the contract for the sale of council owned land, the subject of this application, will be conditional upon the purchaser and any other landowner entering into a S.106 legal agreement with the Council, prior to or simultaneously with the land transfer taking place, to provide the following planning obligations .....”.

The presenting officer suggested, and it was agreed unanimously, that an additional head of term be added to the section 106 agreement to require a contribution to be made towards making a Traffic Regulation Order to provide for double yellow lines be put in place on Freemantle Common Road.

**RESOLVED** unanimously to delegate authority to the Planning and Development Manager to **grant** planning permission subject to the revised recommendation; the additional head of term for the section 106 agreement; the criteria listed in the report and the amended and additional conditions below:

#### Amended Conditions

##### 1. APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure, the scale, massing and bulk of the structure, and the landscaping (both hard, soft and including enclosure details) of the site is approved subject to the following:

(i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:-

a) The appearance and architectural design specifying the external materials to be used (RESERVED MATTER);

b) Landscaping of the site specifying a planting plan (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), hard and soft treatments, all means of enclosure to be formed within the site and to site boundaries surface treatments for parking layout, pedestrian access, surface areas and property frontages and ancillary objects (refuse bins, external lighting, lighting columns etc)(RESERVED MATTER);

(ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission.

(iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

#### REASON

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

#### 4. APPROVAL CONDITION - Temporary parking area for construction vehicles (Pre-Commencement Condition)

No construction or building work shall be carried out on the site unless and until there is available within the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority, provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the building and other operations on the site throughout the period of work required to implement the development hereby permitted. Temporary parking and/or storage of materials or any other item associated with the development works must not take place on the adjacent common land at any time.

#### REASON

In the interests of road safety and in order to protect the appearance and biodiversity value of the adjacent common land.

#### 15. APPROVAL CONDITION – Access to allotments (Performance condition)

Pedestrian and Vehicular access to the adjoining allotments must be kept available during the course of construction and thereafter retained at all times.

#### REASON

To ensure a satisfactory form of development and that the proposed development does not hinder the use of the allotments.

#### Additional Conditions

#### 27. APPROVAL CONDITION - Rainwater /Grey-water Harvesting (Pre-Commencement Condition)

A feasibility study demonstrating the investigation of the potential for the installation of a rainwater/grey-water harvesting system on site shall be carried out and verified in writing by the Local Planning Authority prior to the pre-commencement of the development hereby granted consent. If the study demonstrates that the installation of such a system would be technically and financially viable, a specification shall be agreed in writing with the Local Planning Authority. A system to the approved specification must be installed and be rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON

To reduce overall water consumption and demand on resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

28. APPROVAL CONDITION – Access to common land and allotments (Performance Condition)

At no time shall there be any direct access made or encroachment of activity onto the adjacent common land from the development hereby approved. In addition, there is to be no access made from private residential gardens into the adjacent allotments or adjacent common land.

REASON

In order to protect the adjacent land in the interests of public and private amenity.

116. **PROMONTORY AND CAR PARK ADJOINING THE OCEAN VILLAGE MARINA, OCEAN WAY/MARITIME WALK 11/02000/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.

Site clearance and erection of a 76 bedroom hotel (Class C1) with associated spa, restaurants, bars/club and function rooms with 12 residential units (Class C3) in a building ranging in height from 5-storeys to 7-storeys and erection of a building ranging in height from 6-storeys to 10-storeys to provide 82 flats and 1,139 square metres of commercial floorspace (Use Classes A1, A2, A3, A4, A5 or B1) with associated parking and landscaping works. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Hall (Agent) and Professor Park (objecting) (Pacific Close Residents Association) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the Environment Agency had withdrawn their objection and revised the recommendation to delete original condition 35 and insert a Head of Term in the S106 Agreement instead, to read as follows:

xiii) An obligation to ensure the approved residential accommodation is not occupied until the hotel building has been completed and is available for use.

**RESOLVED** to delegate authority to the Planning and Development Manager to **grant** planning permission subject to the criteria listed in the report; the additional head of term for the legal agreement referred to above and the following amended and additional conditions:

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Claisse, L Harris, Osmond, Thomas  
AGAINST: Councillor Cunio

### Amended Condition

#### 35. APPROVAL CONDITION – Flood proofing measures (Pre-Occupation Condition)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment dated December 2011 ref: “31085 Ocean Village, Southampton” by Such Salinger Peters and the supplementary notes dated 23/03/2012 ref: “31085 Ocean Village, Southampton” and the following mitigation measures detailed within the FRA:

1. Finished floor levels of residential development, including hotel bedrooms, are set no lower than 8.97m above Ordnance Datum (AOD).
2. Land between the proposed hotel building and the proposed residential development should be raised to a level of 4.2m AOD prior to the first occupation of the residential building.
3. Demonstration within the FRA that the improvement/protection and maintenance of existing flood defences (namely the quay wall) will be provided.
4. Flood-proofing measures detailed in paragraphs 3.9, 8.1 and 8.5 are incorporated within the proposed development.

#### REASON

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To not compromise the delivery of the SMP and Southampton FCERMS and eliminate a potential flood flow route.
3. To ensure the structural integrity of existing flood defences thereby reducing the risk of flooding.
4. To reduce the impact of flooding on the proposed development and future occupants.

### Additional Condition

#### 41. APPROVAL CONDITION – Car Parking for Disabled Users [Pre-Commencement Condition]

Development shall not commence until details of car parking for people with disabilities has been submitted to and approved in writing by the Local Planning Authority. The approved car parking arrangements shall be provided before the development is first occupied and retained thereafter.

#### REASON

To ensure satisfactory facilities are provided for people with disabilities.

#### 117. **39 THORNBURY AVENUE 11/02002/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 detached two-storey building to provide 2 x residential care units, in association with the existing residential care home, following demolition of existing

garage. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Wiles (Agent) and Mr McMahon (objecting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Osmond

AGAINST: Councillors Claisse, Cunio, L Harris

ABSTAINED: Councillor Thomas

**NOTE:** This item was carried with the use of the Chair's second and casting vote.

#### Amended Condition

#### 03 APPROVAL CONDITION – Boundary Treatment [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, with the exception of boundary treatment marked 9 on drawing number C11/028.03 rev A, the boundary treatment shall be installed in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved. For the avoidance of doubt, the boundary treatment between the site and the rear garden of 17 Darwin Road shall be demarcated by a brick boundary wall of no less than 1.8 metres in height. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no boundary treatment shall be erected to the north of the building hereby approved which divides the site from the existing building at 39 Thornbury Avenue.

#### REASON

To ensure a satisfactory form of development and in the interests of the amenities of the occupiers of the neighbouring properties.

#### 118. **37-75 CUMBRIAN WAY AND ADJOINING LAND 12/00048/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.

Re-development of the site following demolition of the existing buildings to provide 38 x 2 bedroom flats and 12 x 3 bedroom houses within two, three and four-storey buildings and a ground floor commercial unit (Use Class A1 Retail or Use Class A3 Restaurants and Cafes) with associated car parking, landscaping and external works including alterations to the existing road (affects existing public rights of way). (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Groucott (Architect) and Councillor Baillie (supporting) (Cabinet Member) were present and with the consent of the Chair, addressed the meeting.

The presenting officer stated that paragraph 2.5 of the report should be amended to read "A total of 71 new car parking spaces would be provided which includes 3 re-positioned car parking spaces for the Phase 1 development, 2 new spaces and 15 unallocated spaces ...."

**RESOLVED** unanimously to delegate authority to the Planning and Development Manager to **grant** planning permission subject to the criteria listed in the report and the following additional condition:

29 APPROVAL CONDITION– Disabled Car Parking Spaces [pre-commencement condition]

Prior to the commencement of the development hereby approved, details of two additional disabled car parking spaces to be provided adjacent to the entrance to the development, shall be submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the agreed details.

REASON

To ensure sufficient disabled car parking spaces are provided.

119. **224 PORTSWOOD ROAD 11/01877/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application to vary planning conditions 20, 41 and 58 of consent number 10/01399/OUT.

The requested variations to these conditions were: Variation of **condition 20** to allow opening hours of 07:00 to 23:00 Monday to Saturday and 09:00 to 17:00 on Sundays and imposition of restrictions on the use of the car park by the public to prevent access earlier than 30 minutes prior to the store opening and 60 minutes after the store closing time. Variation of **condition 41** delivery hours, to allow no more than 3 deliveries to be received or items despatched from the retail building between the hours of 2300 to 0700 Monday to Saturday. On Sundays no deliveries to be take place before 0800 and no more than two deliveries to take place after 6pm. Variation of **condition 58** to restrict the allocation of the parking spaces for the D1 use to between the hours of 0900 and 17.30 Monday to Friday.(As amended by letter dated 01.03.2012). (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Pepler (Applicant), Mr Reed (objecting) (Highfield Residents Association), Simon Ward (objecting) (representing client in Portswood Road), Dr Buckle and Mrs Jameson (objecting) (Portswood Residents Gardens), Mr Mortimore and Mrs Norris (objecting) (Local Residents) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to the recommendation to adjust to new Condition 40 (replacing Condition 41 of permission 10/01399/OUT) so that it should read:

#### 40 APPROVAL CONDITION - Retail Store Delivery Times - Performance Condition

Unless otherwise agreed in writing by the Local Planning Authority other than for a maximum of 3 deliveries to be received or dispatched from the retail building between the hours of 2300 - 0700 Monday to Saturday and no more than 2 deliveries to be received or dispatched between 1800 - Midnight on Sundays.

#### REASON

To protect the amenity of neighbouring residential dwellings.

**RESOLVED** unanimously that variation to Condition 20 be **refused** for the following reason:

To protect the amenity of nearby residents.

**RESOLVED** that variation to Condition 40 be **approved**, as above.

#### RECORDED VOTE:

FOR: Councillors Jones, Cunio, L Harris and Osmond

AGAINST: Councillors Blatchford, Claisse and Thomas.

**RESOLVED** unanimously that variation to Condition 56 (replacing Condition 58 of permission 10/01399/OUT) be **refused** for the following reason:

To ensure appropriate numbers of spaces are made available in a safe and convenient location to serve the D1 floorspace hereby approved.

#### 120. **ARRANGEMENTS FOR PRE-APPLICATION CONSULTATION FOR THE BIOMASS PLANT AT SOUTHAMPTON PORT**

The Panel considered the report of the Head of Planning and Sustainability seeking approval of the proposed arrangements for pre-application consultation, as set out in the revised draft Statement of Community Consultation and Community Consultation Strategy. (Copy of report circulated with the agenda and attached to the signed minutes).

Paul Brighton (Applicant), Steven Galton (objecting) (Local Resident) and Councillor Vinson (objecting) were present and with the consent of the Chair, addressed the meeting.

#### **RESOLVED**

- (i) that the proposed arrangements for pre-application consultation, as set out in the revised draft SoCC and CCS be agreed and reported to the NID and Helius Energy as acceptable.
- (ii) that details of how an operator would deal with unexpected large scale fires are included at the public consultation events.

#### 121. **AREA HOUSING OFFICE, PARKVILLE ROAD - REVOCATION OF PERMISSION 11/00204/FUL**

The Panel considered the report of the Head of Legal, HR and Democratic Services seeking revocation of planning permission 11/00204/FUL. (Copy of report circulated with the agenda and attached to the signed minutes).



**RESOLVED** that authority be delegated to the Head of Legal, HR and Democratic Services to revoke planning permission 11/00204/FUL and that the developer be given the option of entering into an additional covenant not to implement consent 11/00204/FUL in the S106 Agreement for 12/00033/FUL.

NOTE: Councillor Osmond declared an interest and withdrew from the meeting for this item.