

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 24TH NOVEMBER 2009

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

37. **MINUTES OF PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)**

RESOLVED that the Minutes of the meeting held on 27th October 2009 be approved and signed as a correct record.

38. **CONSIDERATION OF PLANNING APPLICATIONS**

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

38.1 09/00847/FUL 14 Westwood Road and 90-92 Cambridge Road

Re-development of the site by the erection of a part four-storey and part five-storey building to provide 18 flats (10 two-bedroom, 8 three-bedroom) with associated parking and vehicular access from Cambridge Road following demolition of the existing buildings.

Mr Edmonds (Agent) and Ms Hope, Mrs Page, Mr French and Mr Bryden (Local Residents/Objectors) 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 DEVELOPMENT CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Norris and Osmond

AGAINST: Councillors Mrs Blatchford, Cunio and Davis

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 conditions below;
 - (b) the applicant entering into a Section 106 Legal Agreement to secure:
 - 1 a financial contribution towards the provision and maintenance of open space in accordance with policy CLT5 of the revised deposit of the Local Plan and applicable SPG;

- 2 a financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 of the revised deposit of the Local Plan and applicable SPG;
 - 3 a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site in accordance with appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
 - 4 a financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG;
 - 5 a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 - 6 the provision of a minimum of 5 Affordable Housing units in accordance with policy H9 of the Local Plan and with the relevant SPG;
 - 7 the developer paying for any necessary Traffic Regulation Order for highway residents parking provision in the vicinity of the site following consultation with local residents as to the feasibility of such a scheme; and to include a restriction on parking permits being issued to occupants of the development for the residents parking scheme;
 - 8 the submission of a Travel Plan to promote sustainable modes of transport; and
- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed by 17th December 2009 on the ground of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

12 - Landscaping Details

No development shall take place until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The submitted details shall include:

- (i) hard surfacing materials, structures and ancillary objects (including lighting);
- (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 any proposed boundary treatment including secure access gates to both sides of the building; and
- (iv) a landscape management scheme.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations do not have sufficient weight to justify a refusal of the application. The proposal would not have a harmful affect on the character of the area nor highway safety. The level of car parking is in accordance with the Council's adopted standards. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning permission should therefore be granted.

Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP7, SDP9, SDP10, H1, H2, H7, H8, H12, CLT5, CLT6 and IMP1 of the City of Southampton Local Plan Review Adopted Version (March 2006)

38.2 09/00779/FUL Burlington Mansions, Shirley Road

Formation of an additional storey to the building to provide 10 two-bedroom flats and erection of a cycle and bin storage building at the rear

Mr Edmonds (Agent) was 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 DEVELOPMENT CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED

RECORDED VOTE:

FOR: Councillors Cunio, Fitzhenry, Jones, Norris and Osmond

AGAINST: Councillors Mrs Blatchford and Davis,

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 a financial contribution towards the provision and maintenance of open space in accordance with policy CLT5 of the revised deposit of the Local Plan and applicable SPG;
 - 2 a financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 of the revised deposit of the Local Plan and applicable SPG;

- 3 a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site including the introduction of a traffic regulation order to introduce parking restrictions on the junction of Janson Road and Shirley Road in accordance with the appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
 - 4 a financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG;
 - 5 a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed by 29th December 2009 on the ground of failure to secure the provisions of the Section 106 Agreement.

Additional Conditions

9 - Code for Sustainable Homes

Written documentary evidence demonstrating that the development will achieve a minimum level 3 standard in the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method) shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006).

10 - Removal of permitted development

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended) or any Order revoking or re-enacting that Order, no development permitted by part 24 (development by telecommunications code system operators) of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

REASON:

In the interests of the visual amenity of the area and in the interests of amenities of the occupiers of the development.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations do not have sufficient weight to justify a refusal of the application. The provision of no additional car parking spaces is in accordance with the Local Plan and the proposal would provide improved facilities for the storage of refuse. In

accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning permission should therefore be granted.

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review Adopted Version (March 2006)

38.3 09/00955/FUL 76-80 Butts Road

Erection of a 2-storey terrace of 5 houses (3 two-bedroom and 2 three-bedroom) with associated parking and cycle/refuse storage

Mr Sayle (Agent) and Councillor Fitzgerald (Ward Councillor) 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 DEVELOPMENT CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS LOST

RECORDED VOTE:

FOR: Councillors Fitzhenry, Norris and Osmond

AGAINST: Councillors Mrs Blatchford, Cunio, Davis and Jones

A FURTHER MOTION proposed by Councillor Mrs Blatchford and seconded by Councillor Cunio 'that the application be refused for the following reasons:-

(i) Amenity

The proposal represents an un-neighbourly and un-duly dominant form of development by reason of its scale, bulk, massing and proximity to the south-eastern boundary leading to sense of enclosure and loss of outlook to the occupiers of 33 and 35 Ashby Road, to the detriment of the residential amenities those occupiers currently enjoy. Furthermore the development incorporates habitable room windows with no outlook, in order to prevent overlooking and loss of privacy to neighbouring properties; this is considered a contrived design solution and is symptomatic of an overdevelopment of the site.

The development proposal is thereby contrary to policies SDP1, SDP7, SDP9, H2 and H7 of the adopted City of Southampton Local Plan Review (March 2006) and the relevant sections of the Council's approved Residential Design Guide SPD (September 2006).

(ii) Mitigation through S.106

The proposal fails to mitigate against its direct impacts and, as such, does not satisfy the provisions of Policy IMP1 of the adopted City of Southampton Local Plan Review - Adopted Version March 2006 and the provisions of the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended in November 2006) in the following ways:

- (a) no provision for measures to support public open space or children's play space a contrary to Policies CLT5 and CLT6 of the City of Southampton Local Plan Review - Adopted Version March 2006;
- (b) no provision for measures to support sustainable modes of transport such as necessary improvements to the strategic transport network, public transport facilities and local site specific highway improvements in the vicinity of the site contrary to policies SDP1, SDP2 and SDP3 of the adopted City of Southampton Local Plan Review - Adopted Version March 2006 as supported by the Council's current Local Transport Plan;
- (c) no provision for measures to secure a highway condition survey and post completion reinstatement.

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Cunio, Davis and Jones

AGAINST: Councillors Fitzhenry and Osmond

ABSTAINED: Councillor Norris

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

**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).

39. STREET NAMING REPORT – FORMER SHB VEHICLE HIRE DEPOT, WESSEX LANE

The Panel considered the report of the Head of Planning and Sustainability seeking approval for a street name for the development under construction on the site of the former SHB vehicle hire depot Wessex Lane. (Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED that the name "Eric Meadus Gardens" be approved for the development under construction on the site of the former SHB vehicle hire depot Wessex Lane.