
SOUTHAMPTON CITY COUNCIL
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 11 DECEMBER 2012

Present: Councillors Mrs Blatchford (Except Minutes 85-86) (Chair), Claisse, Cunio, L Harris, Lloyd (Except Minute 87), Shields and Norris (Except Minutes 92-97)

Apologies: Councillor Smith

84. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

The Panel noted that Councillor Norris was in attendance as a nominated substitute for Councillor Smith in accordance with Council Procedure Rule 4.3.

COUNCILLOR CUNIO IN THE CHAIR

85. **CHAMBERLAIN HALLS, UNIVERSITY OF SOUTHAMPTON, GLEN EYRE ROAD /12/01450/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Re-development of part of the site to provide 41 cluster flats for student accommodation (356 bedspaces) in 3 x four-storey buildings with ancillary uses including pedestrian, cycle and vehicular access, servicing and parking arrangements with a new bus lay-by. (PHASE 1)

Mr Luken and Mr Tarling (Agents), Mrs Wawman (objecting) (Bassett Residents' Association), Mrs Davis, Mr Davis, Mr Honarmand and Mr Chown (objecting) (Local Residents) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that a letter had been received stating that Chamberlain Halls had originally been built in 1958 to accommodate 210 pupils. The presenting officer reported two amendments to the Section 106 Agreement.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of the revised S106 Agreement, the conditions listed in the report and the amended conditions set out below; and
- ii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

Amendments to S106 Agreement

Amend clause (xii) so that it reads as follows:

(xii) "Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during construction) in line with LDF Core Strategy policies CS24 and CS25;"

Amend timing of Completion of S106 Agreement so that it reads as follows: "In the event that the S106 Legal Agreement is not completed **by the 13 week target date** delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure the S.106 legal agreement mitigation measures listed above".

Amended Conditions

5 APPROVAL CONDITION - Security Measures

Prior to either the first occupation of the development or the installation of the details listed below (whichever is sooner) a Security Management Plan (as set out at s.10.7.3 of the Stride Treglown Planning Design & Access Statement (September 2012) shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of CCTV coverage with manned 24 hour security **and details of a contact telephone number for concerned neighbours to report issues.** Development be completed and maintained in accordance with the agreed details.

Reason:

In the interests of crime prevention and residential safety.

15 APPROVAL CONDITION – Foul & Surface Water Drainage

No development (excluding the demolition and site preparation phase and tree removal phase) shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The approved measures shall be in place before first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure satisfactory drainage provision for the area.

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

86. **BASSETT HOUSE, CHETWYND ROAD /12/01451/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Redevelopment of the site to provide 8 cluster flats of student accommodation (64 bed spaces) with associated works including pedestrian, cycle and vehicular access, servicing, parking and landscaping (PHASE 2).

Mr Luken and Mr Tarling (Agents), Mrs Wawman (objecting) (Bassett Residents' Association), Mr Davis and Mr Honarmand (objecting) (Local Residents) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported on university correspondence requesting an amendment to clause (xii) in the S106 agreement and an amendment to a condition.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of the revised S106 Agreement, the conditions listed in the report and amended conditions set out below; and
- ii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 Agreement and to remove, vary or add conditions as necessary.

Amendment to S106 Agreement

(xii) Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives (during construction) in line with LDF Core Strategy policies CS24 and CS25.

Amended Conditions

1 APPROVAL CONDITION – Implementation Commencement

The development to which this permission relates must be begun no later than the expiration of five years beginning with the date on which the permission was granted.

5 APPROVAL CONDITION - Security Measures

Prior to either the first occupation of the development or the installation of the details listed below (whichever is sooner) a Security Management Plan (as set out at s.10.7.3 of the Stride Treglown Planning Design & Access Statement (September 2012) shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of CCTV coverage with manned 24 hour security **and details of a contact telephone number for concerned neighbours to report issues.** Development be completed and maintained in accordance with the agreed details.

Reason:

In the interests of crime prevention and residential safety.

14 APPROVAL CONDITION – Foul & Surface Water Drainage

No development (excluding the demolition and site preparation phase and tree removal phase) shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The approved measures shall be in place before first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure satisfactory drainage provision for the area.

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

COUNCILLOR MRS BLATCHFORD IN THE CHAIR

87. **31A MANOR FARM ROAD, SO18 1NN /12/01632/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. (Copy of the report circulated with the agenda and appended to the signed minutes)

Change Of Use From Retail (Use Class A1) To Cafe (Use Class A3).

Mrs Bourdillon, Ms Nichole (objecting) (Local Residents), Ms McCallum (objecting) (Local Business) and Councillor White (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional letter of objection had been received and highlighted that the hours of operation imposed in the Conditions were different from those stated on the application forms in paragraph 2.2.

RESOLVED to grant planning permission subject to the conditions listed in the report.

RECORDED VOTE

FOR: Councillors Blatchford, Claisse, Cunio, Harris, and Shields
AGAINST: Councillor Norris

NOTE: Councillor Lloyd declared an interest and remained in the meeting but did not take part in the consideration of this item.

88. **PARK HOTEL, 90 SHIRLEY ROAD /12/01482/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Erection of two-storey extensions to both sides of the building and conversion to provide 11 Flats (7 x one bedroom and 4 x two bedroom) with associated parking and storage facilities.

Mr Sennett (Architect) (Agents), Councillor Moulton (supporting) (Ward Councillor) and Ms Joel (objecting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to the recommendation regarding the date for completion of the legal agreement, an additional head of term for the S106 agreement, an amendment to a condition and a new condition.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a revised S106 Agreement, the conditions listed in the report, the additional and amended conditions set out below, and the additional S106 clause set out below;
- ii) in the event that the legal agreement is not completed by **29th December 2012** the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement; and
- iii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 Agreement and to remove, vary or add conditions as necessary.

Addition to S106 Agreement

vi) Notification to new residents that ineligible for permits to park within the residents parking zone within the vicinity of the land.

Additional Condition

23 Boundary Treatment St Georges Road

Prior to the occupation of the development hereby approved the boundary wall separating the site from number 1 Sir Georges Road shall not be greater than 0.6m high within 2m of the boundary with the pavement edge and shall be retained as such whilst the site is used for residential purposes.

Reason:

In the interests of Highways Safety.

Amended Condition

12 APPROVAL CONDITION - Landscaping Detailed Plan

Add 'and means of enclosure' to landscape condition after 'and treatment of hard surfaced areas' so that fencing can be added to separate the refuse store from the amenity space.

89. **106 TENNYSON ROAD, SO17 2HH /12/01202/FUL**

The Panel considered the report of the Planning and Development Manager recommending refusal in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Change Of Use From A Dwelling House (Class C3) To A House In Multiple Occupation For Up To 6 Persons (HMO, Class C4).

Ms Darcy (Applicant), Mr Baher (Agent), Councillor Norris (supporting) (Ward Councillor) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

RESOLVED to **refuse** planning application 12/01202/FUL for the reasons set out in the report.

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Claisse, Harris, Lloyd and Shields

AGAINST: Councillor Cunio

NOTE: Councillor Norris declared an interest and remained in the meeting but did not take part in the determination of this item.

90. **AUTHORISATION TO ERECT A BARRIER ACROSS A PUBLIC RIGHT OF WAY AND ANCILLARY ACTIONS**

The Panel considered the report of the Head of Regulatory Services seeking authorisation to install an appropriate gated barrier across the entrance to Restricted Byway 28. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Armstrong and Mr Rathbone (objecting) (Local Residents) were present and with the consent of the Chair, addressed the meeting.

The Presenting Officer reported an additional letter of support had been received from Councillor Spicer and an amendment to Recommendation (ii) to delete the words "horse riding and".

RESOLVED that

- (i) authorisation be given for the installation of an appropriate gated barrier whose position is indicated in Appendix 1, that prevents public vehicular access to and along Restricted Byway 28, (RB28), but which retains legitimate use for which a Restricted Byway may be used by the public, and also those utilities that have a private right of vehicular access to their respective areas, installations and equipment. Such a barrier to be within permitted development tolerances under Class A of Part 2 to schedule 2 of the Town and country Planning (General Permitted Development) Order 1995 (as amended); and
- (ii) a Traffic Regulation Order be implemented that will prevent horse-drawn carriage driving along RB28.

91. **FORMER BIRCH LAWN CARE HOME, SULLIVAN ROAD /12/01392/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. (Copy of the report circulated with the agenda and appended to the signed minutes)

Construction of 22 houses (2 x two-bedroom, 18 x three-bedroom and 2 x four-bedroom) with associated landscaping and parking

Mr Carrington (Applicant), Mr Crapper (supporting) (Housing Association), Ms Beale (supporting) (Housing Development Strategy Team) and Councillor Stevens (supporting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the deletion of clause (v) of the S106 Agreement.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a revised S106 Legal Agreement and the conditions listed in the report;
- ii) that the Planning and Development Manager be given delegated powers to add, delete or vary any of the attached planning conditions and relevant parts of the Section 106 Agreement; and
- iii) in the event that the legal agreement is not completed within two months of the Panel, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Delete clause (v) to the S106 Legal Agreement.

92. **LAND AT THE REAR OF CATERAN CLOSE /12/01487/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Erection of 10 x two-storey three-bedroom houses with associated access, parking and landscaping.

Mr Beale (supporting) (Housing Development Strategy, SCC), Mr Pastusiak (objecting) (Local Resident) and Councillor Pope (objecting on behalf of Ward Councillors Furnell, Thorpe and Laming) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional letter of objection had been received. The presenting officer also reported a number of amendments to the recommendation so that a S111 agreement be entered into before the land transfer, that a date for the completion of the legal agreement be included, that clause (vi) be deleted from the heads of terms for the S106 agreement and that recommendation 2 be deleted. A new condition was also recommended.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** conditional planning permission subject to receipt of an agreement by 31 December 2012 made pursuant to section 111 of the Local Government Act 1972 between the Council as landowner and the developer, providing that the developer will prior to or simultaneously with the completion of the land transfer or any part thereof either enter into (1) a Section 106 Agreement(s) that covers either the whole of the application land or (2) Section 106 Agreement(s) covering the land to be transferred with the Council as local planning authority containing the heads of terms as revised and conditions listed in the report and the additional condition set out below;

- ii) that the Planning and Development Manager be given delegated authority to add, delete, or vary any of the planning conditions and relevant part of the Section 106 agreement;
- iii) in the event that the S111 legal agreement is not completed by **31 December 2012** the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Additional Condition

22 APPROVAL CONDITION - Construction of Access Road [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the access road into the development hereby approved shall be constructed to a standard which is adoptable by the Highways Authority.

Reason:

To secure a satisfactory form of development.

RECORDED VOTE

FOR: Councillor Mrs Blatchford, Cunio, Harris, Lloyd and Shields

AGAINST: Councillor Claisse

93. **2-8 QUEENSWAY AND ADJOINING AREA OF PUBLIC HIGHWAY /12/01262/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. (Copy of the circulated with the agenda and appended to the signed minutes).

Redevelopment of the site to provide 34 flats (9 x one bedroom, 19 x two bedroom and 6 x three bedroom) in a 7-storey building, 7 x four bedroom 4-storey houses, 3 x two bedroom 2-storey houses and 132 square metres of commercial floorspace (Class A1, A2 or A3) with associated car parking and alterations to the public highway (includes stopping up of part of the highway/right of way).

Mr Cronk (Applicant) and Ms Beale (supporting) (Housing Development Strategy, SCC) were present and with the consent of the Chair addressed the meeting.

The presenting officer reported three additional heads of terms to the S106 agreement. The presenting officer also reported amendments to the recommendations regarding the stopping up of the public highway, that the completion date be revised for completion of the legal agreement and that delegated authority be given to the Planning and Development Manager to grant, subject to no issues being raised during the revised consultation period.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a S106 Legal Agreement incorporating the revised Head of Terms set out below, to the conditions

listed in the report, and subject to no issues being raised during the revised consultation period;

- ii) that the Planning and Development Manager be given delegated authority to add to, delete or vary planning conditions and relevant parts of the Section 106 agreement;
- iii) to authorise the stopping up of the areas of public highway set out in the application **as it is necessary in order to implement the development**;
- iv) in the event that the legal agreement is not completed by **21 December 2012** the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Additions to S106 Agreement

ix. Provision of CCTV coverage, with linkages to the City Council's CCTV Control Room, in accordance with Policies CS13 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

x. Agreement of a construction traffic management plan

xi. The provision of a servicing layby on Briton Street for the ground floor commercial unit.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Claisse, Harris, Lloyd and Shields

ABSTAINED: Councillor Cunio

94. **N X P SEMICONDUCTORS, SECOND AVENUE /12/00975/OUT**

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

Outline application for re-development of the site to provide up to 20,360 square metres of employment floorspace (Classes B1(a) / B1(c) / B2 / B8) with ancillary offices, service areas, estate roads, landscaping and cycle/car parking.

Mr Chambers (Agent) and Ms Jackson (objecting) (local business representative) were present and with the consent of the Chair, addressed the meeting.

The presenting officer report two additional representations had been received. An objection had been from the freeholder regarding highway mitigation measures. Another letter had been received from the SCC Team (as an internal consultee) which had no objections providing a condition be included regarding tree protection.

The presenting officer reported three additional conditions and an additional requirement to explore the feasibility of a TRO before the S106 agreement is

completed and if not feasible to incorporate highway improvements in the vicinity of the site as part of the S106.

RESOLVED

- i) Subject to further work and decision being undertaken by officers regarding the proposed access to the site by HGVs (including revisiting the need for a TRO and having regard to the comments made by the freeholder) to delegate authority to the Planning and Development Manager to **grant** planning permission subject to the completion of a S106 Agreement, with such revised terms as are necessary relating to any highway works or improvements, the conditions in the report and additional conditions set out below: and
- ii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement (including ongoing discussion and / or receipt of an independently verified viability assessment) and to remove, vary or add conditions as necessary.

Additional Conditions

18. APPROVAL CONDITION – Tree Protection

The Development shall be implemented in accordance with the tree protection measures identified on the Barry Chinn drawing 02 rev A – ‘Tree Protection Plan’, with these measures being implemented prior to the commencement of development.

Reason:

In the interests of tree protection and the wider visual amenity.

19. APPROVAL CONDITION – Noise – plant and machinery

Development of each building shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason:

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

20. APPROVAL CONDITION – Extract Ventilation – control of noise, fumes and odour

Development of each building shall not commence until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason:

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

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Cunio, Harris, Lloyd and Shields

ABSTAINED: Councillor Claisse

95. **N X P SEMICONDUCTORS, SECOND AVENUE / 12/01109/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Demolition of existing office building. Erection of a new 3-storey office building including roof plant, car parking and landscaping together with reconfiguring existing car parking to manufacturing unit - use classes B1a (office) and/or B1b (research and development) - description amended following validation.

Mr Chambers (Agent), Ms Jackson (objecting) (representative local businesses) and Mr Guppy (Environmental Health Officer, SCC) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that one additional letter of objection had been received and a letter from the SCC Tree Team (as an internal consultee) stating that they had no objection, subject to a condition regarding tree protection. The presenting officer reported three additional conditions.

RESOLVED to grant conditional planning permission subject to the conditions listed in the report and the additional conditions, set out below.

Additional Conditions

24 APPROVAL CONDITION – Tree Protection

The development shall be implemented in accordance with the tree protection measures identified on the Barry Chinn drawing 02 rev A – ‘Tree Protection Plan’, with these measures being implemented prior to the commencement of development.

Reason:

In the interests of tree protection and the wider visual amenity.

25 APPROVAL CONDITION - Noise - plant and machinery

Development of each building shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason:

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

26 APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour

Development of each building shall not commence until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been

submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason:

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

96. **THE BRADBURY CENTRE, 300 ALDERMOOR ROAD SO16 5NA / 12/01153/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. (Copy of the report circulated with the agenda and appended to the signed minutes)

Re-development of existing coach park comprising the erection of a single-storey extension to create a new teaching block with ancillary offices to serve Rosewood school.

Mr Sands (Agent) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported four amended conditions.

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 the amended conditions set out below;
- ii) in the event that the legal agreement is not completed by 20 January 2013 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the S106 legal agreement; and
- iii) that delegation be given to the Planning and Development Manager to add to, delete or vary the requirements of the planning agreement and / or planning conditions.

Amended Conditions

04. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-occupation Condition]

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

06. APPROVAL CONDITION - Land Gas Hazard [Pre-construction Condition]

The site shall be assessed to determine the risks presented by land gases and where appropriate suitable gas protection shall be installed **prior to first occupation of the site**. In the absence of any quantitative assessment of land gas risks the development shall include land gas protection measures that will prevent the ingress of land gas into the building and the accumulation of land gas levels to dangerous levels. Details of the gas protection scheme and validation of its implementation must be submitted to the Local Planning Authority for their approval prior to the completion of groundworks and the approved scheme implemented prior to the first use of the new school extension.

Reason:

To protect the property from any risks presented by sources of land gas identified in the vicinity of the development.

07. PRE-OCCUPATION CONDITION - Hard and soft landscape design

Notwithstanding the submission of drawing Y9726 PL11 Rev A, a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, external lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority **prior to the first use of the new school extension**. In particular, as the development is also likely to lead to higher levels of artificial illumination around the retained trees, this could reduce or even deter bat foraging activity. To ensure adverse impacts are minimised lighting should be provided only where it is required and lights should be hooded to direct light onto the ground. Planting within the sight-lines shall be maintained to not exceed 0.6m in height.

The landscaping scheme shall specify 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) to ensure a suitable environment is provided on the site.

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.

The approved scheme shall be carried out either prior to occupation of the new school extension or during the first planting season following the full completion of building works or in accordance with a timescale that shall have been agreed in writing with the Local Planning Authority prior to the commencement of any building works. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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. Also in the interest of highway safety.

14. APPROVAL CONDITION - Samples details of building materials to be used [Pre-construction Condition]

No works shall commence on the construction of the external elevations of the new school extension hereby approved shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

97. **100-102 EAST STREET / 11/01624/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Conversion of the mezzanine space (Class A1/A3) to create an additional 6 flats (3 x two-bed and 3 x one-bed)

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

The presenting officer reported that there were discussions ongoing relating to the requirements of heads of terms (i) and (ii) of the S106 agreement which could be dealt with under (iii) of the recommendation.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a S106 agreement and subject to the conditions listed in the report;
- ii) in the event that the legal agreement is not completed within two months of the Panel resolution, the Planning and Development Manger be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement; and
- iii) that delegation be given to the Planning and Development Manager to vary the wordings of conditions and S106 clauses.