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PLANNING AND RIGHTS OF WAY PANEL (EAST)  
MINUTES OF THE MEETING HELD ON 19 JANUARY 2016

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Present: Councillors Denness (Chair), Tucker (except Minute Number 40) (Vice-Chair), Hecks, Coombs and Wilkinson

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

**RESOLVED:** that the minutes for the Panel meeting on 8 December 2015 be approved and signed as a correct record.

39. **18-22 CUMBERLAND PLACE 15/01823/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 a part 11-storey and part 12-storey building to provide retail floorspace (Class A1/A2/A3) at ground floor level with purpose built student residential accommodation above (62 cluster flats and 166 studio units - 507 bedrooms in total) with associated communal living space, cycle and waste storage in the basement and external amenity areas.

Lorraine Barter (local resident/ objecting) and Charles Fish (applicant) were present and with the consent of the Chair, addressed the meeting.

The presenting officer corrected two typographical errors in the Habitats Regulations Assessment, deleting reference to the former bus depot site and amending the distance quoted for 'the likelihood of a significant effect from Solent and Southampton Water SPA from 670m to 1.4 km.

Two key matters that Members needed to consider were emphasised by the presenting officer:

- Office policy – it was noted that the site is within an area safeguarded for future office development (Core Strategy Policy CS6 and CCAP Policies AP1 and AP2). It was noted that the application constitutes a 'Departure from the Development Plan' so that Members would need to consider in balance the length of time the site has been vacant against the benefits associated with this proposal which are outlined in the report; and
- Impact on the setting of heritage assets – Members were advised to pay special attention to the conservation of the designated heritage assets in the immediate vicinity. It was noted that officers considered that the listed buildings to the north, east and west were too far away for their setting to be adversely affected by this development. In regard to the impact on the setting of the registered park, Members attention was drawn to the comments of the Heritage Team Leader in paragraph 5.12 of the report.

In addition the Panel discussed the potential usage of the top floor roof terrace and the condition relating to the hours of construction.

RECORDED VOTE on the amended officer recommendation  
FOR: Councillors Coombs, Denness and Tucker  
AGAINST: Councillors Hecks and Wilkinson

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment as set in Appendix 2 of the report, and updated at the meeting;
- (ii) delegated to the Planning and Development Manager authority 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 and amended conditions, set out below.

### **Amended / Additional Conditions**

#### **Amended Condition**

#### **Condition 09: Hours of work for Demolition / Clearance / Construction [Performance Condition]**

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Saturday 08:00 hours to 18:00 hours (8.00am to 6.00pm) and at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

#### **Additional Condition:**

#### **Condition 28: Use of top floor roof terrace (Performance Condition)**

The roof terrace at 11<sup>th</sup> floor level as shown on approved drawing number 15009 (08) 113 Rev B shall not be used or occupied between the hours of 2200 hours and 0900 hours on any day.

Reason: To Protect the amenities of neighbouring occupiers.

40. **TRAFALGAR DRY DOCK 15/00408/FUL AND 15/00409/LBC**

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.

The report set out matters relating to:

- (i) Planning Application Number 15/00408/FUL for the relocation and consolidation of Red Funnel facilities to Trafalgar Dock, including demolition of and works to listed structures and fixtures/fittings, construction of a ferry terminal building of 2,123 sqm (GIA), a marshalling area for the queuing of ferry traffic with a four level decked car park above to replace existing surface parking and car storage, new vehicular, cycle and pedestrian access arrangements, including bus stops and a drop off and pick up area, a storage and operational area and associated infrastructure including two electricity sub-stations, a foul pumping station, gantries and marine-related infrastructure (Environmental Impact Assessment development).
- (ii) Planning Application Number 15/00409/LBC for the Listed Building Consent being sought for demolition of the above ground structure of the pump house and erection of a new ferry terminal building above the pump well. New ramped structure within the dry dock to provide access to a multi-deck car park with associated works

Allan Gordon (local resident objecting), Peter Lay (Ferry Operator) Ann Bartaby (agent), Ernie Battey (applicant), were present and with the consent of the Chair, addressed the meeting.

It was noted that correspondence had been received from Associated British Ports; Red Funnel and Hampshire County Council. It was explained that those elements of the Section 106 detailing the financial contributions for site specific transport improvements, as set out in the agenda papers, would be controlled by condition. The Panel noted that further information relating to the setting of BREAM standards had been received and that the wording of conditions 7 and 8 would need to be reviewed. The Panel expressed concerns over the potential methods of piling that would be used during construction and noted Condition 21 (Construction Environment Management Plan) should be influenced by the piling methodology. The Panel were assured that in the event that impact driven piling were to be used, the hours of construction should be restricted.

Following the presentations from officers and interested parties Councillors considered a motion proposed by Councillor Hecks and seconded by Councillor Wilkinson that the Panel would defer decision on this matter until a site visit had been arranged.

RECORDED VOTE to defer making a decision subject to a site visit

FOR: Councillors Hecks and Wilkinson

AGAINST: Councillor Coombs and Denness

The proposal to defer subject to a site visit was lost on the use of the Chairs second and casting vote.

Following the Panel decision not to defer decision subject to a site visit, the Panel then unanimously confirmed the Habitats Regulation Assessment for application 15/00408/FUL set out in Appendix 3 of the report. The Panel then considered the officer recommendation as amended at the meeting and the application for Listed Building Consent.

**RECORDED VOTE:**

On the amended officer recommendation for 15/00408/FUL

FOR: Councillors Coombs, Denness and Hecks

ABSTAIN: Councillor Wilkinson

**RESOLVED** that in regard to planning application Number 15/00408/FUL the Panel:

- (i) confirmed the Habitats Regulation Assessment as set out in Appendix 3 of the report;
- (ii) that Section 2(i) of the recommendation as set out within the papers be deleted and replaced with “the applicant paying for any necessary Traffic Regulation Orders”;
- (iii) that Section 2(ii) of the recommendation as set out within the papers be amended to read “Maintenance of public access to the waterfront footpath in perpetuity”;
- (iv) the Panel agreed to delegate matters relating to the setting of the BREAM standards to the Planning and Development Manager for consideration, providing suitable importance was given to energy measures;
- (v) delegated authority to the Planning and Development Manager to grant planning permission subject to the completion of the amended S106 Legal Agreement, the conditions listed in the report, and the amendment to the S106 and amended conditions, set out below.

In regard to planning application Number 15/00409/LBC the Panel unanimously agreed that:

- (vi) authority be delegated to the Planning and Development Manager approval to grant listed building consent subject to conditions was agreed.

**Amended Conditions**

**Condition 29. Highway Works – (Pre-Commencement Condition)**

No development shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning Authority:

- (i) details of the changes to Dock Gate 5 (DG5) junction resulting from the changes to Orchard Place and DG5 exit (including location of signal heads, poles and signal control equipment, vehicle detection equipment, and location and operation of the associated pedestrian and cycle crossing points and cycle routes);
- (ii) detailed layout of the Internal Port junction and future management (including location of signal heads, poles and signal control equipment, vehicle detection equipment and CCTV monitoring);
- (iii) details of the wider signing and white lining to implement the proposed Orchard Place restrictions;

- (iv) details of appropriate signing to direct traffic to the correct Dock Gate and to the Triangle Car Park;
- (v) details of the connection to the Southampton City Council Urban Traffic Control (UTC) system using signal management system Split Cycle Offset Optimisation Technique (SCOOT) or Microprocessor Optimism Vehicle Actuation (MOVA), including traffic signal staging plans and bus priority;
- (vi) details of the maintenance agreements and access agreements for all traffic signal control equipment not on the adopted highway;
- (vii) details of the Enhanced Variable Message Sign (EVMS) to be installed to provide traveller information to DG5 port exiting traffic in line with the SCC ITS Strategy

These measures shall be implemented in accordance with the approved details before the terminal building or marshalling yard is first used and retained thereafter.

Reason: To ensure that the transport needs of the development can be satisfactorily provided without adverse impact on the operations of the Port of Southampton and the needs of other highway users.

### **Condition 30. Public Transport – (Pre-Commencement Condition)**

No development shall commence until details of the following measures have been submitted to and approved in writing by the Local Planning Authority:

- (i) the level of taxi rank provision, including waiting shelters and 'kiss & sail spaces' (including waiting times) to replicate at least the current arrangement at Town Quay;
- (ii) a management plan for public transport including detail on provision for the bus stop on the Terminal Access Road, including waiting facilities, real-time information and future maintenance agreements, and evidence to demonstrate that a bus can turn around in the turning head and what waiting/parking restrictions will be included and how they will be managed taking account of this not being adopted highway.
- (iii) real-time information provision within the ferry terminal, such as displaying live train times from Southampton Central.

These measures shall be implemented in accordance with the approved details before the terminal building or marshalling yard is first used and retained thereafter.

Reason: To ensure that the public transport needs of the development can be satisfactorily provided given that the new location of the ferry terminal is further away from existing transport facilities in the City Centre.

### **Condition 31. Pedestrian and Cycle Provision - (Pre-Commencement Condition)**

No development shall commence until details of the following measures have been submitted to and approved in writing by the Local Planning Authority:

- (i) the materials, surveillance, lighting, security, management of the landscape planting and access arrangements for the Quayside path;
- (ii) how the interaction between traffic accessing the Marina Car Park and slipway, and pedestrians and cyclists is managed – such as width, materials, surveillance, lighting and boundary treatment with the Town Quay offices and Marina car parks. This should include a plan and cross-section of this section

- of the route and be consistent with remainder of the route along the Quayside;
- (iii) details of localised movements and connections for cyclists and pedestrians along the Terminal Access Road, particularly for cyclists entering and exiting the site through DG5 with provision for either on-carriageway (advisory cycle lanes and advanced stop lines at the signalized junction) or shared use pedestrian-cycle paths;
  - (iv) details of pedestrian access points and routes for the Triangle Car Park;
  - (v) details of management of the interaction of pedestrians and cycles crossing in front of the ferry ramps and vehicles disembarking;
  - (vi) details of the pedestrian and cyclist wayfinding strategy in line with SCC Legible City standards;
  - (vii) details on the cycle parking facilities both in the covered facility (including lighting, security, type and style), additional short-stay facilities closer to the terminal entrance and separate secure facilities for staff.

These measures shall be implemented in accordance with the approved details before the terminal building or marshalling yard is first used and retained thereafter.

Reason: To ensure that the pedestrian/cycling transport needs of the development can be satisfactorily provided.

### **Condition 32. Facilities for the Hythe ferry – (Pre-Commencement Condition)**

No development shall commence until details of permanent facilities for the Southampton-Hythe ferry operation, to include passenger facilities, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be in place before the new ferry terminal is first used and retained thereafter.

Reason: To ensure adequate provision of facilities for this important transport route.

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

#### 41. **55 ROCKLEIGH ROAD 15/02126/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.

Conversion of integral garage to living accommodation.

Lynn Hand, Sharon Bridger (local residents/ objecting), Thomas Axton(applicant),and Councillor B Harris (ward councillor/objecting) 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 / additional conditions set out below.

## **Additional Condition**

### **05. Reinstatement of Dropped Kerb (Grampian condition)**

Occupation of the garage conversion hereby approved shall not commence until the redundant dropped kerb crossing in front of the garage is reinstated to a full height kerb and the footway levels reconstructed to suit. Please note that this work requires a licence to be obtained from the Highways Authority.

Reason: To ensure that the hardstanding to the front of the property is not used for off-street parking, resulting in cars over-hanging the pavement, and in the interests of the amenity of local residents and of highway safety.

## **Amended Condition**

### **02. Materials to match**

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building. The proposed window and window reveals in the development hereby approved shall be set back by 100mm, or one brick width from the front elevation, in order to discern the outline of the original garage opening.

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 and satisfactory visual relationship of the new development to the existing.

#### **42. 62 COLBY STREET 15/02047/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.

Change of use from a dwelling house (class C3) to a house in multiple occupation (HMO, class C4) (retrospective).

Denise Wyatt (local resident/ objecting), Geoff Ibbett (applicant), and Councillor Pope (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

RECORDED VOTE on the officer recommendation:

FOR: Councillors Coombs, Denness, Hecks and Tucker  
AGAINST: Councillor Wilkinson

**RESOLVED** that planning permission be granted subject to the conditions listed in the report.

#### **43. UNIT 3 WINCHESTER STREET AND 3-4 VERNON WALK, SO15 2EL 15/02217/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.

Variation of Condition 2 of planning consent ref. 09/00636/FUL to allow operational hours of 8.00am - 2.00am Monday to Thursday, 8.00am - 3.00am Friday, Saturday and Bank Holidays and 10.00am - 2.00am on Sundays (Ground Floor, Unit 3 Winchester Street) and to reduce operational hours to 8.00am -12.00am Monday to Saturday and 10.00am - 12.00am on Sundays and Bank Holidays (3-4 Vernon Walk).

Dennis Bundy, Lorraine Barter (local residents objecting), Stephen Andrews (agent), were present and with the consent of the Chair, addressed the meeting.

#### RECORDED VOTE

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

**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.

#### 44. **37 ORPEN ROAD 15/01998/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 2- bedroom single storey dwelling to the rear of existing bungalow.

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

#### **Additional Condition**

#### **Residential - Permitted Development Restriction (Performance Condition)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,  
Class B (roof enlargement)  
Class D (porch)  
Class E (curtilage structures), including a garage, shed, greenhouse, etc.  
Class F (hard surface area)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development and visual amenities of the area.