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PLANNING AND RIGHTS OF WAY PANEL (WEST)  
MINUTES OF THE MEETING HELD ON 3 MAY 2016

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Present: Councillors Denness (Chair), Claisse (except minute number 59),  
L Harris and Tucker

Apologies: Councillors Lloyd and Mintoff

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

It was noted that following receipt of the temporary resignation of Councillor Mintoff from the Panel the Service Director, Legal and Governance, acting under delegated powers, had appointed Councillor Tucker to replace her for the purposes of this meeting. In addition the Panel noted the apologies of Councillor Lloyd.

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

**RESOLVED:** that the minutes for the Panel meeting on 22<sup>nd</sup> March 2016 be approved and signed as a correct record.

58. **PLANNING APPLICATION - 15/01856/OUT - LAND AT MEGGESON AVENUE, TOWNHILL PARK, SOUTHAMPTON**

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.

Enhancement and part-redevelopment of the Townhill Park Estate with 665 new dwellings following demolition, associated parking and replacement public open space. Hybrid planning application with a fully detailed phase 1 comprising the erection of 276 dwellings in buildings of up to 7 storeys, and subsequent phases in outline comprising the erection of 389 dwellings with Access, Layout and Scale submitted for approval with External Appearance and Landscaping reserved, and the erection of a retail store (up to 500sq.m) with all matters reserved. Application seeks to extinguish/stop up existing

Rights of Way and enhance the existing highway network - Description amended following a reduction in height (and the loss of 2 flats) to Plot 5 and the removal of Plot 14 (8 houses) from the scheme.

Ray Mitchell, Geoff Davis, Kim Ayling, Dave Houghton, Steve Horrocks (local residents/ objecting), Sue Jones (applicant), and Councillor Payne (Cabinet Member for Housing and Sustainability / supporting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that two additional letters had been received one of which that expressed an additional concern over the proposed opening hours of the commercial unit shown on plot 8 of the site. The Panel considered this concern during the course of the meeting and instructed officers to reduce the operating hours of the unit to close at 9pm.

It was additionally reported that Highways Development Management were now content with the application following negotiation in regard to impact on Woodmill

Bridge and the adjustment of the planning obligation (ii) set out in Condition 2. The Panel also noted that an additional obligation would be added to Condition 2 relating to the provision of education within the area. The Panel also noted the requirement to add to further conditions relating to obscured glazing to windows in plots 1 and 2 and the provision of wheelchair compliant units.

The Panel unanimously voted to confirm the Habitats Regulation Assessment. The Panel then voted on the officer recommendation to delegate to the Planning and Development Manager to conditionally approve the outline planning application

RECORDED VOTE to grant planning permission

FOR: Councillors Claisse, Denness and Tucker

AGAINST: Councillor L Harris

Upon being put to the vote the Panel confirmed the changes proposed to existing rights of way with 1 abstention (Councillor L Harris).

### **RESOLVED**

- (i) To confirm the Habitats Regulation Assessment set out as Appendix 1 of the Report;
- (ii) To delegate to the Planning and Development Manager to grant conditional planning permission subject to the conditions listed in the report, and the amended conditions, set out below.
- (iii) To delegate to the Planning and Development Manager to add, vary and or delete the planning conditions listed with the report and any conditional conditions as set out below.
- (iv) Approved the highways stopping up process, insofar as within the Council's remit.

### **AMENDED CONDITIONS**

#### **2. APPROVAL CONDITION – Planning Obligation**

No development shall commence on site (excluding any demolition phase, site set up and/or site investigation works) until a planning obligation has been entered into or given with the Council covering the following heads of terms:

- ii. Either works agreed under S.278 or financial contributions towards site specific transport contributions for highway improvements and external lighting (if needed) both within and in the vicinity of the site with ongoing assessments of Woodmill Bridge following occupation of Phase 1 and an off-site contribution where trips exceed the 5% currently predicted, including any associated Traffic Regulation Orders, in line with Policy SDP4 of the City of Southampton Local Plan Review (amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- xiv. An assessment of local education capacity and impacts with associated financial contributions (as required) towards off-site education on a phased basis linked to housing delivery and children numbers;

### **38. APPROVAL CONDITION – Commercial Use**

The commercial use shown on Plot 8 shall not exceed 500sq.m (gross) and shall be completed and fitted out ready for occupation prior to any demolition works taking place in connection with the redevelopment of Plot 6 (ie. where the existing commercial use is located).

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes of A1 (retail) and/or A2 (financial/professional services) and/or A3 (restaurant). The use hereby approved shall not operate outside the hours of 7am and **9pm** (7 days a week including public holidays).

The commercial use shall not be occupied until details of a Servicing Management Plan has been submitted to and agreed in writing with the Local Planning Authority. The commercial use shall operate as agreed.

REASON: To ensure that the estate is served continuously by a local shop and to define the limits of the commercial use in respect of BREEAM, its use and its trading hours.

### **ADDITIONAL CONDITIONS**

#### **39. APPROVAL CONDITION – Obscured Glazing**

Those windows in Plots 1 and 2 shown as being fitted with 'obscured glazing' shall be built as such prior to the first occupation of the affected unit with the glazing retained as agreed thereafter.

REASON: In the interests of protecting existing residential amenity

#### **40. APPROVAL CONDITION – Wheelchair Compliant Units**

A minimum of 4 wheelchair compliant units shall be provided in accordance with plan ref: 070229/P100 024 Rev B, and they shall be retained as agreed thereafter unless otherwise agreed in writing with the Local Planning Authority

REASON: To ensure a mix of units is made available to satisfy LDF Policy CS16

### **59. PLANNING APPLICATION - 15/02468/FUL - LAND AT JUNCTION OF ST DENYS ROAD AND BELMONT ROAD**

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 3-storey and part 4-storey building to provide 73 sheltered housing flats for the elderly (49 x one bedroom and 24 x two bedroom) including lodge manager, communal facilities, access, car parking and landscaping.

Dr Buckle, Mrs Jameson (local residents/ objecting), Mr Burgess (agent), Councillor Claisse (Ward Councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

RECORDED VOTE to grant planning permission  
FOR: Councillors Denness and Tucker  
AGAINST: Councillor Les Harris

**RESOLVED**

- (i) to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement and the conditions listed in the report.

**NOTE:** Councillor Claisse declared an interest and withdrew from the Panel for this item.

60. **PLANNING APPLICATION - 16/00406/FUL - LAND TO REAR OF 38-40 LIME AVENUE**

The Panel considered the report of the Planning and Development Manager recommending that authority to grant conditional approval, in respect of the application number above, be authorised for the proposed development.

Erection of 2 x 3-bedroom detached dwellings with associated car parking, cycle and bin stores with access from Lime Close.

Jean Underhill (local residents/ objecting), Rob Wiles (agent), and Councillor Hecks (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that conditions needed to be added to the application related to soil contamination and the delivery hours during construction.

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

**Additional Conditions**

**APPROVAL CONDITION - Construction delivery times  
(Performance Condition)**

There shall be no deliveries to or collections from the site of materials, plant, machinery, equipment, spoil or skips except between the hours of 0930 - 1445 and 1600 - 1800, Monday to Friday during the construction phase unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent congestion and in the interests of highway and pedestrian safety

**LAND CONTAMINATION INVESTIGATION AND REMEDIATION  
(Pre-Commencement & Occupation)**

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), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That

scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including:
  - historical and current sources of land contamination;
  - results of a walk-over survey identifying any evidence of land contamination;
  - identification of the potential contaminants associated with the above;
  - an initial conceptual site model of the site indicating sources, pathways and receptors;
  - a qualitative assessment of the likely risks; and
  - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out all measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

REASON: To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

61. **PLANNING APPLICATION - 16/00135/FUL - 61 CHARLTON ROAD**

The Panel considered the report of the Planning and Development Manager recommending that authority to grant conditional approval, in respect of the application number above, be authorised for the proposed development.

Erection of a single storey side extension.

Emma Russell (local resident/objecting), Ian Donohoe (agent), and Councillors Moulton and Shields (ward councillors / objecting) were present and with the consent of the Chair, addressed the meeting.

Discussion was held relating to the properties previous use as a House of Multiple Occupancy (HMO) and a previous application refused by the Panel to convert the property into two flats. Councillors were informed that owners of the property would need to apply separately for a license to enable the property to be used as an HMO it was stressed that the Panel had to consider the application in front of them. Councillors requested a means of enclosure condition be added to planning permission in order that the fencing at the property be restored. In addition the Panel requested that officers should continue to monitor the owner's responses to any enforcement action.

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

## **Additional Condition**

### **APPROVAL CONDITION - Means of Enclosure [Pre-Occupation Condition]**

Prior to first occupation of the extension hereby approved a plan shall be submitted to and approved in writing by the Local Planning Authority identifying the height and materials of replacement boundary treatments and other means of enclosure on the site. The development shall be implemented in accordance with these agreed details prior to the first occupation of the extension hereby approved and retained as such thereafter.

REASON: In the interests of the character and appearance of the host dwelling.

## **62. PLANNING APPLICATION - 16/00189/FUL - 16-22 THE POLYGON**

The Panel considered the report of the Planning and Development Manager recommending that authority to grant conditional approval, in respect of the application number above, be authorised for the proposed development.

Application for the variation of condition 2 (opening hours) of planning permission ref 920959/2644/e to allow opening hours of 10:00am -12:00 midnight Monday - Saturday and 10:00am - 11:00pm on Sundays

John Morpew (local residents/ objecting), and Councillor Noon (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

Members expressed concern over the change of hours when the club was so close to residential properties. It noted that there were existing permissions for a private member club. It was noted that the main concerns were in relation to people leaving the club and that a management plan was to be developed to resolve this issue. The Panel requested that consent be given on a temporary consent be granted in order to enable review of the effectiveness of the management plan prior to full consent being granted.

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

### **Amended condition**

#### **HOURS OF USE (Performance)**

For a temporary period of 6 months from the date of this consent the use hereby approved shall not operate outside the following hours:

Monday to Saturday - 10:00-00:00 (10AM to midnight)

Sunday - 10:00-23:00 (10AM to 11PM)

Notwithstanding the above, the use of the external areas of the site as a smoking area associated with the use hereby approved shall not operate outside of the following hours:

Monday-Sunday - 10:00-23:00 (10AM-11PM)

Following the end of this 6 month period the hours of operation shall revert to the previously approved hours of operation as follows:  
Sunday to Thursday – 08:00-23:00 (8AM to 11PM)  
Friday to Saturday – 08:00-00:00 (8AM to midnight)

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

63. **PLANNING APPLICATION - 16/00171/FUL - 88 CHESSEL CRESCENT**

The Panel considered the report of the Planning and Development Manager recommending that authority to grant conditional approval, in respect of the application number above, be authorised for the proposed development.

Application to increase the size of the decking area to rear, add a privacy screen and relocate the raised steps.

Jane Brady (local residents/ objecting) and Corin Oliphant (agent) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that no updates had been received in relation to this application. The Panel requested that officers monitor compliance with the privacy screen condition.

RECORDED VOTE to grant planning permission

FOR: Councillors Claisse, Denness and Tucker

AGAINST: Councillor L Harris

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