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**PLANNING AND RIGHTS OF WAY PANEL**  
**MINUTES OF THE MEETING HELD ON 15 NOVEMBER 2016**

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Present: Councillors Denness (Chair), Coombs (Vice-Chair), Barnes-Andrews, Claisse (Except Minute Number 48), L Harris, Hecks and Mintoff

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

**RESOLVED:** that the minutes for the Panel meeting on 25 October 2016 be approved and signed as a correct record.

46. **PLANNING APPLICATION -16/00568/FUL - 305 WIMPSON LANE**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of a two storey building to contain 3 x 1-bed flats with associated parking and bin/cycle stores - description amended following validation to remove 1 flat.

Councillor Pope (ward councillor / objecting) was present and, with the consent of the Chair, addressed the meeting.

The Panel question officers on the requirement for Condition 14 of the report and on the defensible space for residents within the development in order to assure privacy and also requested an amendment on conditions seeking for obscured glass.

Upon being put to the vote the officer recommendation to delegate planning permission, with the amendments set out below, was approved.

RECORDED VOTE to grant planning permission

FOR: Councillors Barnes-Andrews, Coombs, Denness and Mintoff

AGAINST: Councillors Hecks and Claisse

ABSTAINED: Councillor L Harris

**RESOLVED**

- (i) to delegate to the Service Lead, Planning Infrastructure and Development Manager to grant planning permission subject to the planning conditions set out in the report; the additional / amended conditions set out below; and subject to the submission of the following;
  - a. Financial contributions towards Solent Disturbance Mitigation Project in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (ii) In the event that the Solent Disturbance Mitigation Project contributions are not received authority be delegated to the Service Lead, Planning Infrastructure and Development Manager to refuse the application for failing to mitigate its direct impacts upon the Special Protection Area of the Solent Waters.

### **Additional and Amended Conditions**

REMOVE CONDITION 14:No storage under tree canopy (Performance)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

REASON: To preserve the said trees in the interests of the visual amenities and character of the locality

ADDITIONAL CONDITION: No other windows or doors other than approved (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 windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

REASON: To protect the amenities of the adjoining residential properties.

ADDITIONAL CONDITION: Defensible space (Pre-occupation Condition)

Prior to occupation amended plans detailing an enclosed area to provide defensible space adjacent to the rear elevation for the rear flat shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved plans and retained for that use unless otherwise agreed in writing.

REASON: To protect the amenities of the residential properties.

#### 47. **PLANNING APPLICATION -16/01358/OUT - 78 WARREN CRESCENT**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of a 3 storey building comprising 9 flats (6 x 1-bed, 3 x 2-bed) with associated parking, bin store and amenity space following demolition of existing building (Outline application seeking approval for access, appearance, layout and scale) (resubmission of 15/02138/OUT)

The Panel requested officers tighten the materials condition to ensure that the development would be in keeping with the surrounding area.

Upon being put to the vote the officer recommendation to delegate planning permission, with the amendments set out below, was unanimously approved.

### **RESOLVED**

- (i) to delegate to the Service Lead, Planning, Infrastructure and to delegate to the Service Lead, Planning, Infrastructure and Development to grant planning

- permission subject to: the conditions listed in the report; the amendments to the report, set out below; and the completion of a S106 Legal Agreement, to secure
- a. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - b. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - c. Either a scheme of works or a financial contribution towards Solent Disturbance Mitigation Project in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (ii) In the event that the legal agreement is not completed within three months of the decision of the Planning and Rights of Way Panel, Service Lead, Planning, Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iii) That the Service Lead, Planning, Infrastructure and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be bought back to the Planning and Rights of Way Panel for further consideration of the planning application.

### **Amended Condition**

#### **Details of building materials to be used (Pre-Commencement Condition)**

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. In addition, further details of window reveals, sills and lintel design and brickwork detailing to add interest to the building shall be submitted to and agreed in writing. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. 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 interests of amenity by endeavouring to achieve a building of visual quality.

48. **PLANNING APPLICATION -16/01590/FUL - HIGHFIELD FARM, HILLDOWN ROAD,**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Convert 2 x existing buildings to residential (Use Class C3) to create 1 x three bed dwelling and 1 x two bed dwelling including a single-storey side extension to the barn and dormer window to the front of the annexe and additional windows and doors.

Janet Irene Witt (local resident / objecting) and Owen Thrush (agent) were present and, with the consent of the Chair, addressed the meeting.

The presenting officer reported an update to the parking condition changing the number of spaces required to 4. The Panel raised concerns about the boundary treatment of the development requested that officers add an additional condition to mitigate this issue. In addition the Panel questioned whether with the current planning permissions, available to the applicant, if part development of the site was a possibility it was explained that a further additional condition could be added to ensure that the site is not part developed alongside a commercial use.

Upon being put to the vote the officer recommendation to delegate planning permission, with the amendments set out below, was unanimously approved.

**RESOLVED**

- (i) To delegate to the Service Lead Planning, Infrastructure and Development Manager to grant conditional planning permission subject to: the conditions set out in the report; any amendments to the conditions set out below; and the completion of a Habitats Mitigation Agreement or Unilateral Undertaking to secure:
  - a. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (ii) In the event that the legal agreement is not completed within two months of the Service Lead Planning, Infrastructure and Development Manager be authorised to refuse permission following consultation with the Chair of the Planning & Rights of Way Panel on the ground of failure to secure the provisions of the Habitats Mitigation Agreement or Unilateral Undertaking.

**Amended or Additional Conditions**

**AMEND CONDITION 3 - Parking (Pre-Occupation)**

Before the development hereby approved first comes into occupation, the parking and access shall be provided in accordance with the plans hereby approved and shall include one additional parking space to that shown, to create two tandem car parking spaces for one of the dwellings. The parking shall thereafter be retained.

REASON: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

**ADDITIONAL CONDITION - Boundary Treatment (Performance)**

Before the development hereby approved first comes into occupation boundary treatment shall be provided in accordance with a scheme to be first agreed in writing by the Local Planning Authority. The scheme shall include a brick retaining wall along the southern site boundary between no. 1 and 5 Hilldown Road. The boundary treatment shall be thereafter retained as approved.

**REASON:** In the interest of residential amenity and the character of the area.

**ADDITIONAL CONDITION – Cessation of Commercial Use (Performance)**

No single dwelling unit hereby approved shall be occupied until the existing commercial operations carried out on the site have fully ceased.

**Reason:** To ensure that the existing commercial use on the site has ceased before the residential use commences to ensure an acceptable residential environment will be achieved.

**NOTE:** Councillor Claisse declared an interest and withdrew from the meeting.