
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 13 MARCH 2018

Present: Councillors Denness (except Minute Number 62) (Chair), Savage (Vice-Chair), Barnes-Andrews, Claisse, Hecks, Murphy and Wilkinson

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

RESOLVED: that the Minutes for the Panel meeting on 20 February 2018 be approved and signed as a correct record.

61. **OBJECTION TO THE TREE PRESERVATION ORDER AT WORDSWORTH HOUSE, 85 ANGLESEA ROAD**

The Panel considered the report of the Head of Service regarding an objection to the Southampton (Wordsworth House, Anglesea Road) Tree Preservation Order 2017.

Kevin Cloud (agent) was present and with the consent of the Chair, addressed the meeting.

RECORDED VOTE to confirm the Tree Preservation Order:

FOR: Councillors Savage, Barnes-Andrews, Claisse and Murphy

AGAINST: Councillors Hecks and Wilkinson

ABSTAINED: Councillor Denness

RESOLVED that the Panel confirmed the Southampton (Wordsworth House, Anglesea Road) Tree Preservation Order 2017 set out in appendix 1 of the report.

COUNCILLOR SAVAGE IN THE CHAIR

62. **PLANNING APPLICATION - 17/01206/FUL - 390 - 392 SHIRLEY ROAD**

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

Redevelopment of the site. Erection of a single storey building to provide a Lidl food store with parking following demolition of existing building.

The Panel acknowledged that a large pack of late papers had been received on 9 March 2018 from Lidl in the form of a brochure seeking to explain the evolution of the application but voted to continue to hear the application. This additional information included a counsel opinion but officer's felt the information did not alter the recommendation.

Steven Galton and Linda Moody (local residents/ objecting), James Mitchell (applicant) and Councillors Denness and Furnell (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the reference to “SDP7” cited on page 1 of the report under “Reason for Refusal – Impact on Neighbouring Occupiers” should be removed. The presenting officer added that a late complaint regarding parking had been received from a local resident.

The Panel then considered the recommendation to refuse planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to refuse planning permission

FOR: Councillors Barnes-Andrews,
Claisse, Murphy, Savage and Wilkinson

ABSTAINED: Councillor Hecks

RESOLVED to refuse planning permission for the reasons set out below:

Reasons for Refusal

- (i) **REASON FOR REFUSAL – Impact on neighbouring occupiers**
The proposed building due to its height, unbroken elevation extending along the common boundary, orientation to the south-east of its residential neighbours and proximity to the neighbouring properties at Mayflower Road would have a detrimental impact on the existing residential amenities of these occupiers in terms of providing an oppressive and overbearing outlook when viewed from habitable room windows in the rear of these dwellings and their associated garden space with additional shading within the rear garden areas. As such the proposal is contrary to 'saved' policies SDP1(i) and SDP9 of the Amended Local Plan Review (2015) and policy CS13 of the Amended Core Strategy (2015).
- (ii) **REASON FOR REFUSAL - Lack of Section 106 agreement**
In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-
 - (a) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);
 - (b) In the absence of Submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - (c) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;

- (d) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;
- (e) In the absence of a mechanism for securing the submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).

NOTE: Councillor Denness declared an interest and, after he had spoken, withdrew from the meeting for this item.

COUNCILLOR DENNESS IN THE CHAIR

63. PLANNING APPLICATION - 17/02443/OUT - 2 VICTOR STREET

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 part 6-storey, part 5-storey building containing 45 flats (5x 3-bed, 6x 2-bed, 34x 1-bed) with associated parking and cycle/refuse storage, following demolition of existing building (Outline application seeking approval for Access, Appearance, Layout and Scale) (amended description)

David Wicks and Corinne Finlay (local residents/ objecting), Rob Wiles (agent) and Councillor Coombs (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission

FOR: Councillors Denness, Hecks, Murphy, Savage and Wilkinson

AGAINST: Councillors Barnes-Andrews and Claisse

RESOLVED that the Panel:

- (i) Delegate to the Service Lead - Infrastructure, Planning and Development to grant planning permission, subject to the planning conditions recommended at the end of this report and to the completion of a S.106 Legal Agreement to secure:
 - a. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including the bus stop relocation, service bay, and any necessary Traffic Regulation Orders to facilitate any changes, 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. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) or details of an independently assessed viability of the project with appropriate triggers for reappraisal;
 - c. Submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - d. Submission of a highway condition survey to ensure that any damage to the adjacent highway network attributable to the construction process is repaired by the developer;
 - e. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets;
 - f. 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; and
 - g. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
- (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, the Service Lead - Infrastructure, Planning and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement. Should the scheme be viability tested the application will be brought back to Panel for determination.
 - (iii) That the Service Lead - Infrastructure, Planning and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

64. **PLANNING APPLICATION - 18/00032/FUL- 17 - 21 PORTSMOUTH ROAD**

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 4-storey building incorporating retention of building facade to provide 10 flats (8 x one-bedroom and 2 x two-bedroom) and a ground floor commercial gym / fitness area with associated storage and refuse facilities.

Councillor Keogh (ward councillor/objecting) and Councillor Payne (Woolston ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that a petition had been received on 13 March 2018 containing 28 signatories in favour of a gym on this site. The presenting officer stated that Condition 15 should be amended as set out below.

The Panel considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RESOLVED that the Panel:

- (i) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to the amendment set out below and the completion of a S.106 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 measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
 - d. All occupiers of Residential Units are to be notified in writing that they are ineligible to be granted a Residents Parking Permit to park a vehicle within a Residents Parking Bay located in the vicinity of the Land (holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970 being exempt from the requirement to display a Residents Parking Permit when parked in a Residents Parking Bay).
 - e. Employment and Skills Plan to secure training and employment initiatives.
- (ii) In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Infrastructure, Planning and Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
- (iii) That the Service Lead – Infrastructure, Planning and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Amended condition

15. APPROVAL CONDITION - Facade Retention

Prior to any development commencing, including any works of demolition, a detailed methodology statement for the demolition of the building and the retention of the front façade, **including details to demonstrate that the proposed parapet cut-outs will not undermine the structural stability of the façade**, shall be submitted to and agreed in writing with the Local Planning Authority. The statement must demonstrate the manner in which all elements of the front facade are to be retained and protected during demolition and construction and development shall be completed in accordance with the agreed details.

Reason: In the interests of the character of the Conservation Area and the amenities of surrounding occupiers.

65. **PLANNING APPLICATION - 17/02476/FUL - 10 FURZE CLOSE**

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 4 x 3 bed dwellings with associated car parking, bin/refuse and cycle storage.

Matthew Holmes (agent) and Ann Harvey (local resident objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that a letter had been received from Chapman Lily Planning Limited dated 6 March 2018 in support of the application. The Planning Officer stated that all references in the report to 218 Middle Road should read 218a Middle Road. The Panel expressed concern over the size of vehicular access within the locality and instructed officers to amend Conditions 12 and 22 as set out below.

The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RESOLVED that the Panel:

- (i) Delegate authority to the Service Lead: Infrastructure, Planning and Development approval to grant planning permission subject to the planning conditions recommended at the end of this report and amended conditions, set out below, and to secure financial contribution towards Solent Disturbance Mitigation Project (SDMP) to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010;
- (ii) Grant the Service Lead: Infrastructure, Planning and Development delegated powers to add, vary and /or delete relevant conditions as necessary: and
- (iii) Grant the Service Lead: Infrastructure, Planning and Development delegated powers for failure to satisfy the requirements of the Conservation of Habitats and Species Regulations 2010.

Amended Conditions

Condition12 - Refuse & Recycling (Pre- Occupation condition)

Prior to the commencement of development, the following details are required and shall be submitted to and be approved in writing by the Local Planning Authority;

- details of storage for refuse and recycling;
- access to the storage for occupiers and refuse collectors;
- details of a private refuse collection solution including the size of the refuse collection vehicle.

The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved. Furthermore unless agreed in writing with the Local Planning Authority the approved private refuse collection solution/ vehicles sizes shall be retained in perpetuity.

Reason: In the interests of highway safety, visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements. The proposed refuse collection vehicle shall be no larger than the Council refuse vehicle currently serving Furze Close.

Condition 22 - Construction Management Plan (Pre-Commencement Condition)

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) the size of the construction and delivery vehicles;
- (b) parking of vehicles of site personnel, operatives and visitors;
- (c) loading and unloading of plant and materials;
- (d) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (e) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (f) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (g) details of construction vehicles wheel cleaning; and,
- (h) details of how noise emanating from the site during construction will be mitigated.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

66. **PLANNING APPLICATION -12/00596/FUL - BROWNHILL WAY/BROWNHILL RD**

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

Erection of 14 two-storey houses (12 x three bedroom and 2 x two bedroom) with associated parking, vehicular access from Lower Brownhill Road and space for a children's play area.

The presenting officer reported that Councillor McEwing had sent an email dated 13 March 2018 objecting to the variation.

The Panel then considered the recommendation to delegate to the Service Lead – Infrastructure, Planning and Development to agree a deed of variation to the Section 106 Agreement dated 30 August 2013. Upon being put to the vote the recommendation was lost.

RECORDED VOTE to grant to grant a deed of variation
FOR: Councillors Claisse and Hecks
AGAINST: Councillors Denness, Barnes-Andrews,
Murphy, Savage and Wilkinson

RESOLVED that the Panel did not delegate authority to the Service Lead – Infrastructure, Planning and Development to make a Deed of Variation to vary the Section 106 Agreement dated the 30 August 2013 to reduce the Affordable Housing provision, on viability grounds, to the provision of (i) one on-site unit, identified as Plot 3 (a two-bed detached unit) with a small surplus provided as a financial contribution and (ii) the imposition of the council's standard viability review mechanism clause.

Reasons for Refusal

Refuse recommendation to vary original Section 106 Agreement, based on the need for Affordable Housing provision.