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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 17 SEPTEMBER 2019

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Present: Councillors Savage (Chair), Mitchell (Vice-Chair), Coombs, G Galton, L Harris, Vaughan and Windle

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

**RESOLVED:** that the minutes for the Panel meeting on 27 August 2019 be approved and signed as a correct record.

26. **PLANNING APPLICATION - 19/00997/FUL - FORMER EAST POINT CENTRE**

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.

The erection of a Class A1 foodstore (1,775 sqm gross internal) with associated access, car parking, and landscaping works (resubmission)

Graham Linecar (Southampton Common and Parks Protection Society), Simon Reynier (City of Southampton Society), Alan Williams (agent) and Lee McCardless (on behalf of the applicant), were present and with the consent of the Chair, addressed the meeting.

The presenting officer detailed the changes to previous scheme, which had been refused by the Panel, including the changes to entrance and egress of the site. It was reported that Sport England were not able to support this development but, officers explained that as the playing field had ceased to be used since the closure of the old school they were no longer a statutory consultee and that the recommendation sought a legal mechanism for the provision of replacement public space in regard to the adjacent land parcel being considered as a separate application.

It was noted that the City's Sustainability Officer had offered no objection but had requested that changes be made to Condition 16, as set out below. It was also noted that the City's Tree Officer had made no comment on the current application but had previously raised no objection and that Ecology Officer had offered no objection should the amendments to the conditions below be made. The Panel requested that amendments be made to conditions to ensure the provision of staff facilities including for showers and cycle storage. Additionally the Panel requested that the condition relating to delivery amended. Changes to the conditions are as set out below.

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

RECORDED VOTE to grant planning permission.

FOR: Councillors Savage, Mitchell, Coombs, Galton, L Harris and Windle

AGAINST: Councillor Vaughan

**RESOLVED** that the Panel:

- (i) Delegated authority to the Service Lead – Infrastructure, Planning and Development to grant planning permission subject to: the planning conditions set out in the report, any amended conditions agreed at the meeting; and the securing of a legal mechanism to deliver replacement open space on the adjoining site as part of planning application ref 19/01284/FUL 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. Submission, approval and implementation of a Travel Plan;
  - d. Submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & 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).
  - e. 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); and
  - f. Submission, approval and implementation of a Servicing Management Plan to include a delivery activity noise management plan
- (ii) That the Service Lead – Infrastructure, Planning Development be delegated authority to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary; and
- (iii) That in the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be granted authority to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

**AMENDED CONDITIONS**

**6. Cycle Storage and Changing Facilities (Pre-Use Condition)**

Before the development hereby approved first comes into use, secure and covered storage for bicycles for both employees and customers shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Customer cycle parking should be covered and secure and staff cycle parking should be positioned within a secure and weatherproof storage area. A shower area, changing room and lockers shall also be provided for staff with details to be first submitted to and approved in writing by the Local Planning Authority. The approved

scheme shall be thereafter retained as approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To encourage cycling as an alternative form of transport.

#### **10. Landscaping scheme (Pre-Commencement Condition)**

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. Planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- ii. Specification of the trees to be planted providing native trees where appropriate;
- iii. Details of all hardstanding;
- iv. Details of any proposed boundary treatment, including retaining walls
- v. A landscape management scheme including an automated irrigation scheme or similar to maintain the vegetation on site.
- vi. biodiversity enhancement and mitigation through landscaping

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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.

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. To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

#### **14. Lighting scheme (Performance Condition)**

The development shall be carried out and retained in accordance with the external lighting details as set out within Drawing No. B2340-MJA-P105-4746-G dated 16.9.19.

REASON: In the interests of neighbouring residential amenities and to safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

#### **20. Control Of Noise (Performance Condition)**

With the exception of servicing delivery times as set out within condition 28, the development hereby approved shall be carried out and retained in accordance with the recommendations of the Sharps Redmore Noise Report dated 29th May 2019.

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

### **28. Hours of Use & Delivery (Performance Condition)**

The food store hereby approved shall not operate outside of the hours hereby set out:

- 8am - 10pm Monday to Saturday and
- 10am and 5pm Sundays and Public Holidays

No deliveries shall be taken or despatched outside the hours hereby set out:

- 7am - 10pm Monday to Saturday and
- 9am - 8pm Sundays and Public Holidays

REASON: In the interests of existing and proposed residential amenity

### **30. Electric Vehicle Charging Points (Pre-Commencement Condition)**

A minimum of 2 no. electric vehicle charging points shall be provided prior to commencement of use of the food store hereby approved, with details of the location and specification of the charging points to be first submitted to the Local Planning Authority and agreed in writing. The vehicle charging points shall be retained as agreed.

REASON: To combat the effects of climate change and reduce the emission of pollutants in accordance with policy CS20

## **27. PLANNING APPLICATION - 19/00494/FUL - 21 EMSWORTH 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 three 3-bed dwelling houses with associated car parking, bin and cycle storage following demolition of existing dwelling house. (Resubmission of planning ref: 18/02076/FUL)(amended since initial submission).

Rebecca Marshall, Azalia Gosling (local residents/ objecting), Carl Patrick (agent), and Councillors G Galton and S Galton were present and with the consent of the Chair, addressed the meeting.

The presenting officer noted that the reason for referral to Panel should have included notification that ward councillors had expressed their concerns about the development. In a response to members of the public's concerns, about the timescales involved in the circulation of amended plans, it was noted that the amended plans had been circulated in line with the required consultation guidelines. It was reported that changes were required to conditions relating to parking and bin and cycle storage as set out below.

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

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated authority to the Service Lead Infrastructure, Planning and Development authority to grant planning permission subject to:
  - a. the planning conditions set out in the report;
  - b. the amended conditions agreed at the meeting; and

- c. securing a 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

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

### **AMENDED CONDITIONS**

#### **3. Refuse & Recycling (Pre-Commencement)**

Prior to the commencement of development, details of storage for refuse, recycling and garden waste, together with the access to it and a management plan to return the refuse bins to the storage areas shall be submitted to and approved in writing by the Local Planning Authority. 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 building hereby approved.

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

**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](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements.

#### **4. Cycle Storage Facilities (Pre-Commencement Condition)**

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

REASON: To encourage cycling as an alternative form of transport.

#### **5 Parking and Sightlines(Pre-Occupation)**

The parking spaces and sightlines hereby approved shall be provided prior to the development first coming into occupation and the parking spaces shall be 2.4m wide by 5m deep and at least a one for one basis. In addition the access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

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

#### **11. Landscaping and Means of Enclosure Detailed Plan (Pre-Commencement Condition)**

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- (i) Details of the replacement hedging and brick wall to the frontage;
- (ii) Details of all boundaries;

- (iii) planting plans including the provision of at least eight semi-mature trees; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate - to be agreed; and;
- (iv) a landscape management scheme.

The approved hard and soft landscaping scheme (including parking and boundary treatment) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision, with the exception of the boundary treatment which shall be retained for the lifetime of the development.

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.

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