
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 10 JULY 2018

Present: Councillors Savage (except Minute number 14) (Chair), Coombs (Vice-Chair), L Harris, Mitchell (except minute number 14), Murphy and Wilkinson

Apologies: Councillors Claisse

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

RESOLVED: that the minutes for the Panel meeting on 19 June 2018 be approved and signed as a correct record subject to the following amendments:

- Minute Number 8 to delete note that Councillor Claisse voted against the item
- Minute Number 9 to amend Councillor Savages vote to show he abstained from voting.

13. **PLANNING APPLICATION - 18/00358/FUL - 182-184 BITTERNE RD WEST**

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 three storey building to provide a ground floor retail unit and two x two bed flats on upper floors with associated parking and cycle/refuse storage, following demolition of existing building.

Peter Messer (local residents/ objecting), Gareth Jenkins (architect), and Councillor Keogh (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that 2 additional conditions would be required to be added to the application in relation to: external noise and vibration; and Residential - Permitted Development Restrictions as follows:

Noise & Vibration (external noise sources) (Pre-Commencement)

Prior to the commencement of the development hereby approved, a scheme of measures to protect the occupiers of the development from external noise and vibration sources, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.

Reason: To protect the occupiers of the development from excessive external noise.

Residential - Permitted Development Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order amending, revoking or re-enacting that Order the A1 retail unit hereby approved shall not be used for any residential purpose without the benefit of further planning permission.

Reason: For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area and the quality of the residential environment formed.

The officer also outlined the requirement for an amendment to Condition 23 as follows:

23. Boundary treatment, hardsurfacing, lighting & landscaping 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, which includes:

- i. means of enclosure/boundary treatment; (which shall be retained as agreed in perpetuity).
- ii. hard surfacing materials;
- iii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- v. a landscape management scheme.

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.

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 planting scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

The approved hardsurfacing and boundary treatment shall be maintained in perpetuity.

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.

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 officer recommendation was lost with the use of the Chairs casting vote.

A further motion to refuse planning permission for the reasons set out below was then proposed by Councillor L Harris and seconded by Councillor Wilkinson.

RECORDED VOTE to refuse planning permission

FOR: Councillors L Harris, Wilkinson and Savage

AGAINST: Councillors Coombes, Mitchell and Murphy

The motion was carried with the use of the Chair's casting vote.

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

Reasons for Refusal

1. REFUSAL REASON - Design

Whilst the principle of a flatted redevelopment scheme is accepted, the proposed development of this prominent corner site is considered to respond poorly and fails to integrate with its local surroundings by reason of its cramped design, its relationship with the existing pattern of development along Bitterne Road West and excessive site coverage. Furthermore:-

- (a) The proposed building footprint and associated hard-standing and incorporation of raised balcony's results in an excessive site coverage that fails to respond to the spatial characteristics of the pattern and proportions of development along the Bitterne Road West frontage and within the local area.
- (b) The need to incorporate a flat roof form, due to the proposed proportions of the building, results in the design which is out keeping and character with the traditional ridged roof form of buildings in the surrounding area.
- (c) The limited available space, in combination with the footprint proposed, has led to a cramped form of development that lacks a convenient access to refuse, cycle storage and the retail parking space; and fails to provide adequate external residential amenity space that is fit for its intended purpose.

The points raised above are symptomatic of an overdevelopment.

In combination, these design issues result in a building that fails to respect the character of the area or the needs of its users and, as such, the proposed development is considered to be contrary to "saved" policies SDP1 (i) SDP7 (iii) (iv) (v) and SDP9 (i) (v) of the adopted City of Southampton Local Plan Review (March 2015) and Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2015) as supported by paragraphs 2.3.14, 3.9.1, 3.9.2, 3.9.5, 4.4.1 and 4.4.3 of the Council's approved Residential Design Guide SPD (2006).

2. REASON FOR REFUSAL – Incomplete Car Parking Survey

The car parking survey information provided is deemed to be insufficient and fails to satisfactorily demonstrate that the amount of parking provided will be sufficient to serve this mixed use development. In the absence of sufficient information to justify nil provision of car parking on site for residents potential localised overspill parking from the development has the potential to be detrimental to the amenity of existing neighbours; who are reliant on the street for parking and who would then face further competition for space and the possibility of parking further away from their homes. The development proposal is therefore contrary to approved Policy SDP1 (i) of the Amended Local Plan review (2015) and the requirements of the Council's Approved Parking Standards SPD (2011).

3. REASON FOR REFUSAL - Lack of Section 106 or unilateral undertaking to secure planning obligations.

In the absence of either a scheme of works, a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance

Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

Councillor Coombs in the Chair

14. **PLANNING APPLICATION - 18/00765/FUL - 18 GROSVENOR 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.

Erection of detached garage building with workshop at first floor level for use in association with the dwelling house known as 18 Grosvenor Road (part retrospective).

Nick Jones (local resident objecting) and Councillors Mitchell and Savage (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that since the publication of the report additional correspondence had been received. It was noted that this correspondence was from the applicant and did not raise any fresh issues to those set out in the report. The Panel noted a correction to the report in paragraph 4.7.1 that outlined the differences between the application that had been granted permission and the proposals set out in this application. The presenting officer set out an additional condition for the application, wording set out below, that would secure the mature trees on site.

6. Retention of trees (Performance Condition)

The two mature trees on the front boundary, 1x Purple Leaved Plum to the left of the driveway and 1x Robinia to the right of the driveway, shall be retained for the lifetime of the development hereby approved. For the duration of works on the site no trees on the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than agreed, either during construction or thereafter shall be replaced by the site owners within 2 months with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority in writing prior to its planting. The replacement planting shall be maintained and retained thereafter.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area and further mitigate the development's impact.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was lost.

A further motion was then proposed by Councillor Coombs and seconded by Councillor Murphy that delegated authority be given to the Service Lead – Infrastructure Planning and Development to negotiate amended plans that would reduce the roof height to match that of the original planning permission and grant planning permission, or to refuse planning permission should the amended plans not be submitted within 1 month

for being out of character due to the excessive height and instruct the Enforcement team to issue an Enforcement Notice.

RECORDED VOTE to delegate planning permission

FOR: Councillors Coombs and Murphy

AGAINST: Councillors L Harris and Wilkinson

The recommendation was carried on the use of the Chair's second and casting vote.

RESOLVED that the Panel:

- (i) Delegated authority to the Service Lead – Infrastructure Planning and Development to negotiate amended plans to reduce the roof height to match that of the original planning permission 15/01644/FUL (4.57m), whilst retaining the proposed/as built footprint, and issue subsequent conditional approval.
- (ii) Delegated authority to the Service Lead – Infrastructure Planning and Development to refuse the application, should the amended plans not be submitted within 1 month, for being out of character due to the excessive height and instruct the Enforcement team to issue an Enforcement Notice

NOTE: that Councillors Mitchell and Savage withdrew from the Panel to represent their Ward in this matter.