
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 14 JANUARY 2020

Present: Councillors Savage (except minute number 49) (Chair), Mitchell (Vice-Chair), Coombs, G Galton, L Harris, Windle and Prior

Apologies: Councillors Vaughan

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

It was noted that following receipt of the temporary resignation of Councillor Vaughan from the Panel, the Service Director Legal and Governance acting under delegated powers, had appointed Councillor Prior to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meeting on 12 December 2019 be approved and signed as a correct record.

45. **PLANNING APPLICATION - 19/01537/FUL - BANISTER PRIMARY SCHOOL**

The Panel considered the report of the Head of Planning and Economic Development and Development recommending authority be refused in respect of an application for a proposed development at the above address.

Variation of condition 21 (Pedestrian Access) of planning permission 12/00489/R3CFL to allow use of pedestrian gate on Banister Gardens - temporary 6 month application.

Catherine Webb and Stefano Persico (local residents objecting), P K McBride (Chair of Governors), David Hockin (School Business Manager), Alistair Chaplin (supporter) and Councillor Shields (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED that the Panel refused to grant planning permission for the reasons set out below:

Reason for Refusal

The proposal to vary condition 21 of planning permission 12/00489/R3CFL to allow the use of the pedestrian gate in Banister Gardens for general school access, including for a temporary trial period of 6 months, is not supported. The proposed control measures, including the use of school staff to prevent vehicles from entering Banister Gardens to drop-off/collect pupils is not enforceable because such measures would not override existing highway rights which the public have to access Banister Gardens. Pedestrian school access from Banister Gardens would likely lead to a significant increase in parents parking within this narrow cul-de-sac which would have an adverse impact on the residential amenities of the area arising from increased noise, disturbance,

increased on-street parking pressures, congestion and obstruction to access/traffic flow at drop-off and collection times. Furthermore the likely increase in the number of vehicles parking within Banister Gardens during school drop off/collection times would adversely impact on the safe manoeuvrability of vehicles and pedestrians within this cul-de-sac because of the narrow width of the carriageway and likelihood that vehicles will park in the turning head close to the school gate. The proposal is therefore contrary to policy SDP1 (i) of the Local Plan Review (2015).

46. **PLANNING APPLICATION - 19/01457/FUL - 7A BROWNING AVENUE**

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

Redevelopment of the site for 6 dwellings in total comprising erection of a single storey rear extension and alterations to roof including side dormers to facilitate conversion of existing building into 4 x 1 bed flats and erection of 2 x 2-bed semi-detached single storey houses with associated parking, cycle and refuse storage (Resubmission of 19/00818/FUL) (amended description).

Tracy Teesdale and Ken Raquet (local residents/ objecting), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that there had been additional correspondence from an objector since the publication of the papers for the meeting. Officers requested that recommendation be amended so that the Panel delegated authority to officers for the confirmation of Habitats Regulation Assessment.

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

A further motion to refuse to grant planning permission, for the reasons set out below, was then proposed by Councillor L Harris and seconded by Councillor G Galton. Upon being put to the vote the motion was carried unanimously.

RESOLVED

- (i) That the Panel delegate authority to the Head of Planning and Economic Development to confirm the Habitat Regulation Assessment
- (ii) That the Panel refuse planning permission for the reasons set out below:

Reasons for Refusal

1. **UNACCEPTABLE LIVING ENVIRONMENT.**
The proposed layout fails to provide an acceptable living environment for prospective residents by reason of the relatively small flat size proposed for flats 2, 3 and 4, when compared against nationally prescribed space standards, the lack of useable floor space within the loft for flat 4, the position and limited outlook to the bedroom window serving Flat 1 in terms of its relationship with the boundary, and Flat 2 being wholly single aspect with north facing windows where occupants would fail to receive direct sunlight into habitable rooms. As such the proposal is contrary to saved policy

SDP1(i) of the amended City of Southampton Local Plan Review (2015) and the relevant provisions of the Council's approved Residential Design Guide SPD (September 2006), and particularly paragraph 2.2.1, in respect of creating a quality residential environment.

2. SECTION 106

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of Policy CS25 of the Amended Local Development Framework Core Strategy Development Plan Document (2015) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- a) Measures to support site specific transport contributions for highway improvements in the vicinity of the site in accordance with Policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- b) In the absence of a Highway Condition Survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;
- c) Either a scheme of measures to reduce pressure from the development on the Special Protection Areas of Southampton Waters or a financial contribution towards the Solent Disturbance Mitigation Project (SDMP) in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended).

47. PLANNING APPLICATION - 19/01729/FUL - 12 MELCHET RD

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

Erection of a two-storey end of terrace two-bedroom dwelling (Resubmission of 19/00321/FUL).

Rob Mullane (local resident objecting) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that additional correspondence had been received since the publication of the report. It was also explained that a further condition relating to permitted development rights would be added, as set out below. The Panel requested and officers agreed that the parking condition should be amended, as set out below, in order to ensure the allotted parking spaces were clearly defined.

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:

- (1) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (2) Delegated authority to the Head of Planning and Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure either a scheme of measures or a financial contribution 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.
- (3) Delegated authority to the Head of Planning and Economic Development to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within reasonable timescales.

Additional and Amended Conditions

RESIDENTIAL - PERMITTED DEVELOPMENT RESTRICTION (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 building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class E (curtilage structures), including a garage, shed, greenhouse, etc. or Class

F (hard surface area)

REASON: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development and visual amenities of the area.

Car Parking (Pre-Occupation)

The car parking spaces and access shall be provided in accordance with plans to be first submitted to, and approved in writing by the Local Authority, before the development first comes into occupation and thereafter retained as approved. The plan shall include details of surface treatment, levels and a means for demarcating the divide between the 2 parking spaces without the need for any formal means of enclosure. The existing and proposed dwelling shall each be allocated 1 parking space.

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

48. PLANNING APPLICATION - 19/01832/FUL - 4 FITZROY CLOSE

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

Erection of a single-storey front and two-storey side extension. (Re-submission of planning application 19/01442/FUL).

Kevan James (local residents/ objecting), and Veronica Foley (applicant), were present and with the consent of the Chair, addressed the meeting.

The Panel fully explored the distances between the proposed new extension and the existing terrace facing the property. The Panel was made aware of an ongoing dispute between the owner of the property and neighbours in regard to land to the side of the house however, noted that such disputes were a civil matter and outside of the powers of the Panel.

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

RECORDED VOTE to grant planning permission
FOR: Councillors Savage, Mitchell, Prior, Coombs and Windle
AGAINST: Councillors L Harris and G Galton.

RESOLVED that planning permission be approved subject to the conditions set out within the report.

RECORDED VOTE to grant planning permission
FOR: Councillors Savage, Mitchell, Prior, Coombs and Windle
AGAINST: Councillors L Harris and G Galton.

RESOLVED that planning permission be approved subject to the conditions set out within the report.

COUNCILLOR MITCHELL IN THE CHAIR

49. PLANNING APPLICATION - 19/01793/FUL - SOUTHERN WATER - KENT RD

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

Construction and operation of a motor control centre kiosk, poly dosing kiosk and polymer powder handling kiosk (3 detached buildings).

Anne Dugdale (agent), and Councillor Savage (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the need for minor changes to the wording of conditions 5,6 7 and 10 as set out below. In addition it was noted that the title of the table set out in paragraph 6.12 of the report should read as “HGV movement summary (average).
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The Panel noted the request from the ward councillor to adjust the delivery times and, after a unanimous vote in favour of adjusting these hours, resolved that condition 7 be further adjusted to set the delivery hours, as set out below.

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

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

Amended Conditions

5. Construction Traffic Management [Performance Condition]

Unless otherwise agreed in writing by the local planning authority construction HGV traffic shall not arrive at or depart from the site outside of the following hours:

0800 – 1600 Monday – Friday;

09:00 to 13:00 hours Saturdays; and

at no time on Sundays and recognised public holidays.

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

6. Construction Management Plan (Pre-Commencement)

The development shall be carried out in accordance with the submitted and approved Construction Environmental Management Plan (as listed below) along with the additional following points:

- Waste skips and lightweight materials shall be covered - rather than will be covered if deemed necessary - as dust is not the only consideration.
- Noise monitoring is required to protect potential noise sensitive receptors - rather than wait for complaint which may cause delay and potential ongoing problems for complainants.

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.

7. Operational Traffic Management [Performance Condition]

The movement of Heavy Goods Vehicles associated with Portswood WwTW shall be carried out in accordance with the agreed Traffic Management Plan that includes the following measures:

- Vehicle arrival and departure times limited to 0900 – 15:30 Monday – Friday;
- All vehicles are clearly liveried as Southern Water;
- These practices are embedded through induction training and regular tool box talks.

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

9. 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 manage risks associated with land contamination-at the development 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
 - 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 scene of remediation and setting out any 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.

10. Use of uncontaminated soils and fill (Performance)

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on-to the site must be accompanied by documentation to validate its quality and be submitted to the Local Planning Authority for approval prior to operational use of the development.

REASON: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

NOTE: Councillor Savage withdrew from the Panel and addressed the meeting on this matter in his role as a ward councillor.