
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 19 JUNE 2018

Present: Councillors Savage (except minute 8) (Chair), Coombs (Vice-Chair), Claisse, L Harris, Mitchell, Murphy and Wilkinson (Except minutes 8-11)

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

RESOLVED: that the minutes for the Panel meeting on 29 May 2018 be approved and signed as a correct record.

7. **PLANNING APPLICATION - 17/02368/FUL- FORMER REDBRIDGE SIDINGS**

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.

Change of use of land from open space and landscaping into operational railway use and construction of new railway sidings, with associated works and proposed change of use of Network Rail land to public open space (resubmission 15/00306/FUL) - Amended submission following initial consultation.

Mr D Alexander, Val Howard, Dave Smith and Peter Beech (local residents/ objecting), Mr Bates (applicant), Mr Farthing (supporter) and Councillor McEwing (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that had been a Habitats Regulation Assessment presented and advised Members that the Panel were required to confirm it along with the recommendation. The presenting officer noted that there had been further correspondence and updates since the publication of the report. It was explained that the City Council's Ecologist had now responded and that there was no objection to application subject to the amendment of Condition 7 as set out below.

It was reported that Southampton Commons and Park Protection Society had requested more certainty about the delivery of the open space and future consultation by the Council and confirmed that it was content that amendments proposed by officers addressed the organisations concerns.

In their absence the reporting officer detailed additional correspondence from Councillors Pope and Whitbread outlining their concerns. Councillor Pope confirmed his objection to the scheme explaining that Network Rail had not: listened to residents; that the scheme did not mitigate the impacts of the application; and that the alternatives had not been given due consideration. Councillor Whitbread's concerns requested that: the scheme should remove an existing portacabin; Planting around retained compound was insufficient and that fencing should be replaced; that Network Rail should wash and treat the existing bridge; and that Lighting and CCTV needed for the pocket park.

The Panel were informed that Network Rail confirmed that lighting and CCTV will be costed and provided for the pocket park and confirmed that Network Rail will undertake

works to the Station Square. It was noted the offer of CCTV and lighting had satisfied the Hampshire Constabulary holding objection.

The Panel also noted that conditions relating to hours of work required amendment to reduce the total number of working hours.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel expressed a concern that residents should be fully consulted on the design of the new open space, which could be secured if delivered by the council rather than the applicant. A motion to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission subject to the planning conditions and completion of a S.106 Agreement to secure a financial contribution for the delivery of the open space by the Council (rather than by the applicant) together with all other obligations recommended by officers was then proposed by Councillor Coombs and seconded by Councillor Murphy. . Upon being put to the vote the motion was carried.

RECORDED VOTE to delegate planning permission

FOR: Councillors Savage, Coombs, Mitchell and Murphy

AGAINST: Councillors Claisse, L Harris and Wilkinson

RESOLVED that the Panel:

- (i) Approved the Habitats Regulations Assessment that confirms that the impacts of the development on protected European sites can be satisfactorily mitigated.
- (ii) 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 the completion of a S.106 Legal Agreement to secure:
 - a. Financial contributions (including a commuted maintenance sum) to enable the delivery by the Council of a fully designed pocket park to the north of the railway line following further public consultation and transfer of the required land to the City Council; in line with the current submission as shown on the submitted Landscape Mitigation Planting Scheme Plan. The contribution shall include provision for lighting and CCTV, at least 2:1 tree loss commitment across the scheme (minimum 190 trees) with a commitment for the delivery of a replacement tree belt to Wharf Park’s northern boundary, improved signage to the Park(s), the re-provision of the cycle track and the submission of a phasing plan linking the (re)provision of the open space, and its transfer to the Council, to the delivery of the approved Sidings as required by LDF Core Strategy policies CS21 and CS25
- (iii) 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.

- (iv) 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 Conditions

7. Ecological Mitigation Plan & Construction Environment Management Plan (CEMP)

The development shall be carried out in accordance with the recommendations of the AECOM Ecological Appraisal (April 2018). Notwithstanding the AECOM Appraisal prior to the commencement of development a revised Construction and Environmental Management Plan (CEMP) and Biodiversity Mitigation and Enhancement Plan (BMEP) as required by Natural England shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP and BMEP shall include details of how the mitigation required by the Habitats Regulations Assessment will be secured and detail how lighting will be designed (at both the construction and development phases) to mitigate direct impacts. The development will proceed in accordance with the agreed CEMP and BMEP

REASON: To protect the European sites and their supporting habitat and to ensure that the construction phase adequately mitigates its direct impacts upon local ecology

13. Hours of work for Demolition / Clearance / Construction (Performance)

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to a maximum of 12 occasions only where working between 16:00 on Saturday and 02:00 on Sunday (ie. Saturday night and early Sunday working) are permitted following notification by the applicant to the Council's Planning Department, Redbridge Ward Cllrs and residents living within 100 metres of the application site.

REASON: To protect the amenities of the occupiers of existing nearby residential properties and to enable works to take place outside of peak passenger times in the interests of continuous rail provision and health and safety.

NB. Represents a reduction from 261 to 120 hours with Sunday working greatly reduced

COUNCILLOR COOMBS IN THE CHAIR

8. PLANNING APPLICATION - 17/01690/FUL - PORTSWOOD TREATMENT WORKS

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.

Construction of a 20 Mega Watt gas standby facility at Portswood Waste Water Treatment Works.

Debra Morris (local residents/ objecting), Lee Searles (agent), and Councillor Savage (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel then considered the recommendation to grant conditional planning permission

RECORDED VOTE to grant planning permission

FOR: Councillors Coombs, L Harris, Mitchell and Murphy

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

NOTE:

Councillor Savage declared an interest in the item and withdrew from the Panel and Councillor Wilkinson and Councillor Claisse were not in attendance.

COUNCILLOR SAVAGE IN THE CHAIR

9. PLANNING APPLICATION - 18/00664/FUL - REAR OF 89 ALMA 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 a garage block to the rear of the property. Amendments to permission 17/00673/FUL (Part Retrospective).

Simon Fitzjohn, Susan Swallow, Hilary Jackson (local residents objecting), Amrik Chahal (agent), and Councillor Kataria (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

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

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

RECORDED VOTE refuse planning permission

FOR: Councillors Claisse, L Harris and Mitchell

AGAINST: Councillors Coombs and Murphy

ABSTAIN: Councillor Savage

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

Reason for Refusal – Character and appearance

The proposed alterations to the appearance of the structure approved under LPA reference 17/00673/FUL would be out of character with the design and ancillary function of the approved outbuilding. The residential appearance and design of the structure are now out of keeping with the back land location and have a harmful impact on the overall appearance of the structure in its context. The appearance of the structure would no longer be ancillary to the main block of flats and would therefore represent a harmful form of development in the context of the host building and the overall layout of the plot in the surrounding area. The proposal would thereby prove contrary to saved policies SDP7(iii)(v) and SDP9(iv)(v) of the City of Southampton Local Plan Review (2015) and Policy CS13 of the Local Development Framework Core Strategy Development Plan Document (2015), as supported by the relevant provisions of the Councils Residential Design Guide and particularly section 2.4.

NOTE: Councillor Wilkinson was not in attendance

10. **PLANNING APPLICATION - 18/00358/FUL - 182-184 BITTERNE ROAD 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.

RESOLVED that the item be deferred to a future meeting.

NOTE: Councillor Wilkinson was not in attendance

11. **PLANNING APPLICATION - 18/00129/FUL - 132 PERCY 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 1 x 2 bed detached dwelling with associated bin/refuse and cycle storage.

Ruth Loveless, Jen Lambert, Pauline Bial (local residents objecting), Russell Fawson (applicant), and Councillors Furnell and Galton (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer noted that 5 emails had been received subsequent to the publication of the report. It was explained that the additional correspondence had been from members of the public that had already raised objection to the application and that their emails had reiterated their initial objections.

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: Councillor Savage, Coombs, Mitchell and Murphy
AGAINST: Councillor Claisse
ABSTAINED: Councillor L: Harris

RESOLVED that the Panel:

- (i) Delegated authority to Service Lead – Planning, Infrastructure and Development to grant planning permission subject to receipt of a Solent Disturbance Mitigation Project payment/alternative provision: and
- (ii) In the event that this issue (outlined in recommendation (i)) is not resolved within 1 month from the date of the Planning meeting the Panel delegated authority to refuse the application for failure to accord with the Development Plan.

NOTE: Councillor Wilkinson was not in attendance