
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 31 JULY 2018

Present: Councillors Savage (Chair), Coombs (Vice-Chair), Claisse, L Harris, Mitchell, Murphy and Wilkinson

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

RESOLVED: that the minutes for the Panel meeting on 10 July 2018 be approved and signed as a correct record.

16. **PLANNING APPLICATION - 18/00746/FUL - 390-392 SHIRLEY ROAD**

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

Re-development of the site. Erection of a single-storey building to provide a Lidl food store with parking following demolition of existing building (Re-submission of 17/01206/FUL).

John Lethbridge, Rob Barton (local residents, supporting), Oliver McGuinness (Applicant), Councillor Furnell, Councillor Taggart (Ward Councillors) and Councillor Fitzhenry (on behalf of Councillor Galton, Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The scheme has been assessed against the revised NPPF (2018) and remains in accordance with national planning policy.

The Panel agreed two amended conditions for the application, wording set out below.

The Panel requested an additional condition regarding an electric vehicle charging points feasibility study being carried out, as set out below.

A motion was proposed by Councillor Wilkinson and seconded by Councillor Murphy that a barrier be installed at the entrance to the car park, secured by the condition for the car park management plan.

RECORDED VOTE to install a barrier at the entrance to the car park
FOR: Councillors, Wilkinson, Murphy, Claisse and L Harris
AGAINST: Councillors Coombs, Savage and Mitchell

The motion was therefore carried.

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.

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 as amended and the additional condition (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. Submission, approval and implementation of a Travel Plan.
 - d. Submission, approval and implementation of a Servicing Management Plan.
 - e. Submission, approval and implementation of a Site Waste Management Plan.
 - f. Employment and Skills 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).
 - 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).
 - h. The submission, approval and implementation of site wide CCTV.
- (ii) In the event that the legal agreement is not completed within 3 months 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 Conditions

5. Car Park Management Plan (Pre-Use Condition)

Prior to development hereby approved first coming into use, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority.

Specifically, this shall include details of a minimum of 1.5 hours dwell time for parked vehicles (including allowing customers to leave their vehicles in the car park to visit other units within the area) within the car park hereby permitted and details of a security barrier and subsequent management to prevent car park access overnight. The Management Plan shall be implemented when the development first comes into use and thereafter adhered to at all times.

Reason: To add to vitality of the Town Centre and control of the car park.

36. Hours of Use & Delivery (Performance Condition)

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

- 8.00am and 10pm ~~midnight~~ (Monday to Saturday) and
- 10am and 5pm Sundays, Bank and/or Public Holidays

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

- 7am and 11pm (Mon-Sat)
- 8:30am and 8pm (Sundays and recognised public holidays)

Reason: In the interests of existing and proposed residential amenity.

Additional Condition

39. Electric Vehicle Charging points feasibility study

A feasibility study for electric vehicle charging points shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for electric vehicle charging points, a specification shall be agreed in writing with the Local Planning Authority. Electric vehicle charging points to the approved specification shall be installed and rendered fully operational prior to the first operation of the development hereby granted consent and retained and maintained thereafter.

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

17. PLANNING APPLICATION - 17/02525/FUL - COSTCO, REGENTS PARK ROAD

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

Erection of petrol filling station, reconfiguration of car parking, landscaping and associated works (additional landscaping, lighting, air quality, odour, noise and transport information received).

Greg Barfoot, Martin Clayton (local residents, objecting), Neil Daniels (Applicant), Ian Dix (Agent), Councillor Furnell (ward councillor, objecting) and Councillor Fitzhenry (on behalf of Councillor Galton, Ward Councillor, objecting) were present and with the consent of the Chair, addressed the meeting.

The scheme has been assessed against the revised NPPF (2018) and remains in accordance with national planning policy. The Council's Tree officer was satisfied with

the tree protection measures and tree species as shown on landscape drawing no. 1001 Rev E.

The presenting officer reported that two additional conditions would be required to be added to the application in relation to: the acoustic fence and signage as set out below.

The Panel proposed amendments to Condition 4 as set out below.

A further motion was proposed by Councillor Savage and seconded by Councillor Mitchell that the opening hour of the petrol station be amended to 9.00 am.

RECORDED VOTE to amend the opening hour of the petrol station

FOR: Councillors Savage, Mitchell and Murphy

AGAINST: Councillor Coombs

ABSTAINED: Councillors Wilkinson, Claisse and L Harris

The motion was therefore carried.

The Panel then considered the recommendation to grant conditional planning permission.

RECORDED VOTE to grant planning permission

FOR: Councillors Murphy, Mitchell, Coombs and L Harris

AGAINST: Claisse, Savage and Wilkinson

RESOLVED that conditional planning permission be approved subject to the conditions within the report and the amended conditions set out below.

Additional Conditions

APPROVAL CONDITION – Acoustic Fence

Details of the design and external appearance of the acoustic screen as shown on drawing no. (PA) 04 Rev B shall be submitted to the Local Planning Authority and agreed in writing prior to the commencement of development. The acoustic screen shall be installed prior to commencement of use of the petrol filling station and retained as agreed.

Reason: In the interests of good design and to prevent adverse noise impact.

APPROVAL CONDITION – Signage

No Totem or other signage shall be installed on the Regents Park frontage advertising the Petrol Filling Station hereby approved.

Reason: To ensure that any increased new and pass-by trips generated by frontage signage are considered through a formal planning application in order to prevent severe congestion and obstruction to flow of traffic on Regents Park Road.

Amended conditions

Condition 04 (landscaping):

The development shall be carried out in accordance with landscape drawing no. **1001 Rev E** by Andrew Davis.

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.

Condition 08 (hours of use) amended as follows:

The Petrol Filling Station hereby approved shall not be open to customers and no deliveries taken outside of the following hours:

Monday to Friday - **09:00** to 21:30

Saturday - **09:00** to 20:00

Sunday and recognised public holidays - **09:00** to 18:00

No deliveries shall take place during the following peak times on the highway network:

Monday - Friday 0800hrs to 0900hrs and 1600hrs to 1700hrs

Saturday 1330hrs to 1430hrs

Reason: To protect the amenities of the occupiers of existing nearby residential properties and in the interests of highway safety.

18. **PLANNING APPLICATION - 18/00629/FUL - QUEENS KEEP FOOTBALL CLUB**

The Panel considered the report of the Service Lead – Infrastructure, Planning 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 single storey hospitality building, spectator stand and formation of a car park.

Graham Linecar (SCAPPS, objecting) and Donald Campbell (Applicant) were present and with the consent of the Chair, addressed the meeting.

The scheme has been assessed against the revised NPPF (2018) and remains in accordance with national planning policy.

The presenting officer reported that he had received an email from Councillor Pope, which he read to the meeting, objecting to the application.

The presenting officer reported that two conditions would need to be amended in relation to the colour of paint to be used on the buildings and the ongoing maintenance of the hedgerow 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.

RESOLVED that planning permission be approved subject to the conditions in the report and the amended conditions set out below.

Amended Conditions

02. APPROVAL CONDITION - External appearance

Prior to the commencement of development the Green RAL colour for spectator stand and hospitality building shall be agreed in writing with the Local Planning Authority. The spectator stand and hospitality building shall be painted in the colour as agreed prior to the commencement of use and thereafter retained as agreed.

Reason: In the interests of the visual amenities of the area

05. Sightlines specification (Performance)

Prior to the commencement of development sightlines at the new vehicular access and a scheme of pruning and ongoing maintenance of hedgerow within the sightline splay shall be submitted and agreed in writing with the Local Planning Authority. The sightlines and associated hedge works shall be carried out and retained as agreed. No hedgerow works to form the access and sightlines shall take place during the main nesting and breeding season from 1 March to 31 August.

Reason: To provide safe access to the development and to prevent congestion on the highway. To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

19. **PLANNING APPLICATION - 18/00673/FUL - BROWNHILL WAY**

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

Application for removal of condition 21 relating to code for sustainable homes of planning permission ref 12/00596/FUL.

Mark Hewett (Agent) was at the meeting and with the consent of the Chair, addressed the meeting.

Councillor Savage proposed a motion that dwellings 1 & 2 should achieve a minimum Level 4 of the code for sustainable homes.

RECORDED VOTE to achieve Level 4 on dwellings 1 & 2

FOR: Councillors Savage, Murphy, Mitchell, Claisse and L Harris

AGAINST: Councillor Coombs

ABSTAINED: Councillor Wilkinson

The motion was therefore carried.

The Panel then considered the recommendation to delegate authority to the Service Lead, Infrastructure, Planning and Development to grant planning permission.

RECORDED VOTE to

FOR: Councillors Savage, Murphy, Mitchell, Claisse and L Harris

AGAINST: Councillor Coombs and Wilkinson

RESOLVED that the Panel delegate authority to the Service Lead – Infrastructure, Planning and Development subject to the conditions within the report and the amended condition as set out below.

Amended Condition

21. Code for Sustainable Homes – Affordable Only

Within 6 months of any part of dwellings 1 and 2 (Affordable Dwellings) shown on the approved drawings first becoming occupied, written documentary evidence proving that these dwellings have achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate certification body, shall be submitted to the Local Planning Authority for its approval.

Reason:

To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).