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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 2 APRIL 2019

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

Apologies: Councillor Claisse

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

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

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

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

70. **PLANNING APPLICATION - 18/01644/FUL - COMPASS HOUSE**

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 an additional fourth floor to facilitate 19 flats (11 x 1, 5 x 3 and 3 x 2 bed) with associated car parking (225 spaces shared between 245 flats, approved under 17/00178/PA56 and the proposed 19 flats) and cycle storage (amended following validation).

Chris Brady (agent) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that amended plans had been received with an amendment to balcony sizes for the three bed units.

The Panel raised a number of concerns relating to parking and requested that allocated parking spaces for this application be amended to 27 from 19. In addition the Panel requested that a landscaping condition be added. In response the officers agreed to amend the conditions 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: Planning, Infrastructure 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 approval to the Service Lead – Planning, Infrastructure and

Development Manager to grant planning permission subject to any amendments, 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); In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead- Planning Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement;
  - b. An affordable housing viability review clause;
  - c. The 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;
  - d. The 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): and
  - e. 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.
- (iii) That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

### **Additional Condition**

#### **Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)**

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 (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 & tree pit design;
- ii. a landscape management scheme;
- iii. lighting details and plan;
- iv. proposed; car parking layouts; other vehicle pedestrian access and circulations areas.
- v. hard surfacing materials,
- vi. ancillary objects (refuse bins, lighting columns etc.); and
- vii. details of any proposed boundary treatment.

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

### **Amended Condition**

#### **6. On site vehicular parking 27 spaces [Pre-Occupation Condition]**

Prior to the occupation of the development hereby approved plans showing the location of 27 vehicular parking spaces (measuring at least 5m x 2.4m) and adjacent vehicular manoeuvring space (measuring at least 6m wide) to be allocated to the occupants of the approved 19 flats; and for no other occupants or purposes associated with the building, shall be submitted to and approved in writing by the Local Planning Authority. Details shall also be provided to identify how those car parking spaces will be separated and/or marked out on site as private spaces not available for any other purposes.

Once approved the car parking shall be constructed and laid out in accordance with the approved plans prior to the first occupation of the hereby approved development. Throughout the occupation the development hereby approved the parking spaces and manoeuvring space adjacent shall not be used for any other purposes other than for parking in association with the 19 approved flats.

The hereby approved car parking spaces shall be allocated in accordance with the Councils maximum parking standards whereby one bed flats are permitted one space each and two & three bed units are permitted a maximum of two spaces each.

REASON: To achieve maximum car parking standards for the approved 19 flats and given that the position of the site is outside of a high accessibility area; and given the mix of units which include two and three bed flats. Also to help to avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced or cannot be conveniently accessed; and to remove confusion of occupants in the interests of discouraging car ownership by a large proportion of residents by not providing car parking spaces free for any occupant to use.

#### **71. PLANNING APPLICATION - 18/02299/FUL - 119 HIGHFIELD LANE**

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 2x 3-storey extensions following part demolition and internal alterations to provide 30 additional guest bedrooms and staff room, with alterations to car park, new cycle/refuse storage and new plant equipment on roof.

Jane Jameson (local residents/ objecting), Katie Brown (agent), Jerry Gillen (supporter) were present and with the consent of the Chair, addressed the meeting.

The Panel raised concerns that the cycling provision on site related to staff only and did not include the potential of visitors cycling to the hotel. Officer agreed that Condition 19 would be amended, as set out below.

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 unanimously.

**RESOLVED** that the Panel:

- (i) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
  - a. Financial contributions towards site specific transport 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. The 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. The submission, approval and implementation of a Carbon Management Plan setting out how 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);
  - d. The submission of a Training & 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 CCTV network that can be linked into and/or accessed by the Council and its partners (if required); and
  - f. Submission and implementation of a Travel Plan.
- (ii) That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, 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.

**Amended condition**

### **19. Cycle storage (Pre-commencement Condition)**

Notwithstanding the information already submitted no development shall commence until plans and elevational details of the secure, covered cycle storage for staff, guests and visitors of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in accordance with the agreed details prior to the extensions first coming into use and thereafter retained for that purpose at all times.

REASON: To ensure an appropriate provision of cycle storage is made for future users of the development in accordance with saved policy SDP5 of the adopted Local Plan.

### **72. PLANNING APPLICATION - 19/00170/FUL - ADJ. 28 HILL COTTAGE GARDENS**

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 2x detached dwellings (1x 4-bed, 1x 3-bed) with associated parking and refuse storage (resubmission 18/00190/FUL).

Paul King (architect), was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that there was an error on the report and that the recommendation summary should state to grant planning permission subject to criteria listed in the report. Officers reported that amended plans had been submitted in connection with highway tracking and the public sewer with changes shown to the proposed porch. In addition that an additional conditions relating to bins and cycle storage needed to be added 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: Planning, Infrastructure 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 & Development to grant planning permission subject to the conditions set out in the report and any amendments as set out below and the receipt of:
  - a. a plan showing tracking/revised access;
  - b. the planning conditions recommended at the end of this report; and
  - c. the completion of a S.106 Legal Agreement or Section 111 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.

- (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 or the section 111 agreement and/or conditions as necessary.
- (iv) In the event that the revised highways plan and/or the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning and Development be authorised to refuse permission on the ground of failure to secure their provisions.

### **Additional Conditions**

#### **26. Refuse & Recycling (Performance)**

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved.

REASON: In the interest of visual and residential amenity.

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 at least 8 weeks prior to occupation of the development to discuss requirements

#### **27. 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.

### **73. PLANNING APPLICATION- 19/00116/FUL -REAR OF 40 ATHERLEY ROAD**

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

Erection of a 2-bed, detached bungalow with associated cycle/refuse storage.

Kate Drummond and Kate Stirling (supporting the officer recommendation to refuse planning permission) were present and with the consent of the Chair, addressed the meeting.

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

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

#### **Reasons for refusal**

### **1. Out of Character/Poor Residential Environment**

The proposal to form a separate dwelling represents an over-intensive use and physical overdevelopment of the site which would be harmful to the character of the area in terms of introducing residential development in a backland location which would be out of character with the layout and context of the established pattern of development in the area. In addition, the proposal would be harmful to the amenities of neighbouring and existing occupiers in terms of increasing the activity to the rear of the site. The proposal thereby proves contrary to saved policies SDP1(i), SDP7(iii)(v), SDP9(i)(v) of the adopted City of Southampton Local Plan Review (2015) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (2015) as supported by the relevant guidance in section 3 of the approved Residential Design Guide Supplementary Planning Document (September 2006).

### **2. Insufficient parking**

Based on the information submitted, it has not been adequately demonstrated that the parking demand of the development would not harm the amenity of nearby residential occupiers through increased competition for on-street car parking. Furthermore the proposed pedestrian access route would result in the loss of a usable frontage parking space serving the existing flats which may compound existing on-street parking pressures. The development would, therefore, be contrary to the provisions of saved policy SDP1(i) of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

Note to applicant - The guidance in the Parking Standards SPD (section 4.2.1 refers) expects the applicant to demonstrate that there is sufficient kerbside capacity to absorb the additional parking demand. This should be assessed by undertaking a parking survey using the preferred Lambeth model.

### **3. Lack of Section 106 or unilateral undertaking to secure planning obligations**

In the absence of either a scheme of works or 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.