
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 29 JANUARY 2019

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

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

RESOLVED: that the minutes for the Panel meeting on 8 January 2019 be approved and signed as a correct record.

51. **PLANNING APPLICATION - 18/01657/FUL - 59 OXFORD STREET**

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 two storey rear extension to facilitate change of use from restaurant (class A3) to residential (class C3) to provide 4 flats (3x 1-bed, 1x studio) with associated cycle/refuse storage (resubmission 18/01095/FUL).

Simon Reynier (City of Southampton Society) and Adi Puplampu (agent), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the need to amend the conditions relating to bicycle storage and that an additional consideration to the waste storage and management plan would be required, 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) 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 any additional or amended conditions, 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 conditions as necessary. In the event that the scheme of measures or financial contribution is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission.

AMENDED CONDITIONS

11. 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. The refuse store shall include a tap and wash down gulley with suitable falls to the floor; and internal doors/walls/pipework/tap/conduits must be suitably protected to avoid damage caused by bin movements. The refuse store must also be ventilated on a permanent basis. The site management must contact SCC refuse team 8 weeks prior to occupation of the development to inspect the new stores and discuss bin requirements, which are supplied at the developer's expense (Email: waste.management@southampton.gov.uk). Furthermore unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored on the public highway.

REASON: In the interest of visual and residential amenity.

12. 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 improve upon the proposed cycle storage facility and to encourage cycling as an alternative form of transport.

ADDITIONAL CONDITION

WASTE MANAGEMENT. (PRE OCCUPATION CONDITION)

Prior to the occupation of the development hereby approved a waste management plan shall be submitted to and approved in writing by the local planning authority. Once approved the occupation of the building shall be implemented in accordance with the approved waste management plan. The waste management plan shall detail the arrangements made to ensure that refuse is moved from the refuse store to the highway for collection purposes on a weekly or two weekly basis. At no time other than collection day shall refuse be stored on the public highway.

REASON: In the interest of visual and residential amenity.

52. **PLANNING APPLICATION - 18/01858/FUL - NANITAL, HAWTHORN 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 replacement single storey extension and the conversion of an existing bungalow to create 2 x 2 bed chalet bungalows with associated car parking, bin and cycle storage.

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

The presenting officer reported that an additional objection had been received since the publication of the report. In addition a number of small corrections to the report were highlighted to the Panel. It was noted that there should be a change to paragraph 1.1 of the report detailing the number of properties within Hawthorn Road and change to paragraph 6.1 of the report that removed reference to landscaping as a key issue for planning consideration. In addition the Panel received the corrected version of the third appendix noting that an incorrect version had been attached to the meeting paper bundle.

The presenting officer also updated the Panel in regard to parking permits. Members were told that the property currently has permission for two permits and following the conversion into two properties it was noted that each property would be entitled to just one permit per property.

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 to the Service Lead to grant planning permission subject to the planning conditions set out in the report and any additional or amended conditions, set out below, and the receipt of
 - a. financial contributions towards Solent Disturbance Mitigation Project (SDMP) 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, and
 - b. An amended parking layout to satisfy SCC Highways
- (iii) That the Service Lead be given delegated powers to add, vary and /or delete relevant conditions as necessary. In the event the SDMP is not resolved the Service Lead will be authorised to refuse permission on the ground of failure to satisfy the requirements of the Conservation of Habitats and Species Regulations 2010 as required by LDF Policy CS22. Further delegation be given to refuse the application in the event that amended plans are not received to satisfy the highway concerns raised in relation to parking.

Additional Condition

CONSTRUCTION DELIVERY TIMES (PERFORMANCE CONDITION)

There shall be no deliveries to or collections from the site of materials, plant, machinery, equipment, spoil or skips except between the hours of 0930 - 1445 and 1600 - 1800, Monday to Friday during the construction phase unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent congestion and in the interests of highway and pedestrian safety and to avoid conflict with the school opposite

53. **PLANNING APPLICATION - 18/01987/FUL - 21 LOWER BANISTER STREET**

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.

Variation of Condition 2 of planning permission ref 09/00336/FUL and Condition 1 of planning permission ref 13/01840/FUL to allow opening hours of 08:30am to 03:00am 7 days a week.

Mark Sennitt (agent), Lorraine Barter, and David Rogers (supporters) 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.

RECORDED VOTE to refuse planning permission
FOR: Councillors Savage, Coombs, Claisse, Mitchell, and Wilkinson
AGAINST: Councillors L Harris and Murphy

RESOLVED that the Panel refused to grant conditional planning permission for the reasons set out within the report.

54. **PLANNING APPLICATION - 18/01595/FUL - WOODLANDS WAY**

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.

Conversion and extension of an existing two-storey semi-detached dwelling to create 2 dwellings (1 x 2-bed and 1 x 3-bed) including additional floor of accommodation (resubmission of 15/01846/FUL).

Linda Long and Christine Stiling (local residents objecting) and David Carden-Jones (applicant) were present and with the consent of the Chair, addressed the meeting.

The presenting officer clarified that the application was identical to the previous application. In response to the residents' concerns regarding access to the site any legal covenants were matters that outside the concern of Planning law. Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

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, Coombs, Mitchell and Murphy
AGAINST: Councillors Claisse, L Harris and Wilkinson

RESOLVED that

- (i) That the Panel confirm the Habitats Regulation Assessment in Appendix 4 of this report.
- (ii) planning permission be approved subject to the conditions set out within the report.

55. **PLANNING APPLICATION - 18/02007/FUL - UNITED REFORM CHURCH**

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.

Installation of solar panels to the south slope of the Church Hall.

Fiona Hudd (agent) and Mark Hancock (applicant) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that since publication of the report further correspondence had been received which had been circulated to the Panel. It was noted that the applicant had submitted a different configuration of the solar tiles. It was explained that no consultation had been carried out on the new arrangement and that therefore the application would be considered on the original pattern of the solar tiles.

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

A further motion to delegate authority to approve planning permission for the reasons set out below was then proposed by Councillor Savage and seconded by Councillor Wilkinson.

RECORDED VOTE to grant planning permission

FOR: Councillors Savage, Coombs, L Harris, Mitchell, Murphy and Wilkinson

ABSTAIN: Councillor Claisse

RESOLVED That Planning Permission be granted subject to the imposition of the following conditions:

1. FULL PERMISSION TIMING CONDITION (PERFORMANCE)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. INSTALLATION, REPAIR AND REMOVAL METHODOLOGY STATEMENT (PERFORMANCE CONDITION)

The solar Panels shall be installed strictly in accordance with the approved methodology statement.

REASON: To ensure the fixing (and any future removal or repair) of the solar panels causes minimal impact on the fabric and structure of the listed building and that the works to install the solar panels are reversible. To protect the integrity and character of the listed building in accordance with policy HE3 of the City of Southampton Local Plan Review (as amended 2015) and policy CS14 of the Core Strategy (2015).

3. DAMAGE AND REPAIR

Any damage caused to the fabric or structure of the listed building requiring 'repair' shall be repaired in a manner so as to replicate in all details the original structure within 3 months of the damage first being caused.

REASON. To protect the integrity and character of the listed building in accordance with policy HE3 of the City of Southampton Local Plan Review (as amended 2015) and policy CS14 of the Core Strategy (2015)

Note to Applicant.

Any damaged caused that exceeds to definition of repairs not requiring listed building consent will require the submission of a full planning application to the Local Planning Authority.

4. APPROVED PLANS

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

REASON: For the avoidance of doubt and in the interests of proper planning.

REASON FOR GRANTING PLANNING PERMISSION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the identified harm to the listed building have been considered and are not judged to have sufficient weight to justify a refusal of the application. In this instance, the level of harm identified was 'less than substantial' and where 'less than substantial' harm is caused the public benefits resulting from the works can be balanced against the harm. The public benefits include the reduction in energy consumption from non-renewable sources and a long term reduction in the costs of operating what is a well-used and important community facility. The combination of the continued viability of running the community centre and the increased sustainability of the building, which are both key Council objectives, is considered to outweigh the harm caused by installing the solar panels. Conditions have been applied in order to works are undertaken in a manner which minimises the impact on the fabric of the listed building and to ensure the works are reversible. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, SDP9 and HE3 of the City of Southampton Local Plan Review (Amended 2015) and CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).