
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 6 AUGUST 2019

Present: Councillors Savage (Chair), Coombs, Mitchell (Vice-Chair), Vaughan and Windle

Apologies: Councillors G Galton and L Harris

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

The Panel noted the apologies of Councillors L Harris and G Galton.

Councillor Coombs stood down from the role of Vice Chair for the Panel for the Municipal year and the Councillor Mitchell was appointed by the Panel as Vice Chair for the Municipal Year.

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

RESOLVED: that the minutes for the Panel meeting on 16 July 2019 be approved and signed as a correct record.

19. **PLANNING APPLICATION - 19/00346/FUL - 128-130 WEST END 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.

Redevelopment of the site. Erection of 10 x 3-bed, 2-storey dwellings with accommodation in roof space, in a terrace block of 5, a terrace block of 3 and 2 x semi-detached, with associated car port, parking and cycle/refuse storage, following demolition of existing public house (resubmission 17/00750/FUL)

Alan Lloyd and Michelle Baker (local residents/ objecting), Mark Henson and Councillor Baillie (ward councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer detailed that paragraph 8.7 of the report should be amended to state that regard had been had to Vacant Building Credit as well as the DVS Viability Assessment dated 2 May 2019 when reaching the decision that the scheme can support 1 on-site affordable housing unit.

The Panel discussed the previous use of the site as a public house and noted residents concerns that with the loss of the public house then it reduced the ability of those residents with mobility issues to engage in community activities. The Panel noted information from officers that detailed alternatives within the area and the advice of the Panel's solicitor that regard should be taken to the Public Sector Equality Duty under the Equality Act but, that it should be balanced by the planning issues and noted that the Planning Inspector had given less weight to issues relating to the loss of the public house

In addition the Panel were informed that the conditions would need to be amended to enable the bin storage area to be securely gated and that area of the fencing would be required to be constructed from brick. In addition the Panel were informed of changes that were required to the landscaping condition. Panel members requested that the conditions be amended to make note of the requirement for a permeable surface for the car parking areas, details 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: Infrastructure, Planning 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 2 of the report.
- (ii) Delegated authority to the Service Lead 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 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. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project 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;
 - d. Employment and Skills Plan to secure training and employment initiatives.
 - e. The provision of one on-site affordable housing unit based on the DVS Viability Assessment dated 02 May 2019 in accordance with Policies CS15, CS16 & 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).
- (iii) In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Infrastructure, Planning and Development was granted authority 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.
- (iv) That the Service Lead – Infrastructure, Planning and Development be delegated authority to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Amended Condition

- 05. 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) means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials **including permeable paving rather than tarmac or equivalent**, structures and ancillary objects (refuse bins, lighting columns etc.);
- (ii) 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;
- (iii) an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- (iv) details of any proposed boundary treatment, including retaining walls; and
- (v) a landscape management scheme.

Private rear garden boundaries adjacent to the site access, car parking area and side garden boundary for plot 7 (facing Dean Road) shall comprise brick walls with a minimum height of 1.8m that shall be retained for the lifetime of the scheme. Furthermore secure lockable gates shall be installed to secure the route from the car park to Dean Road bin holding area, with details to be submitted and agreed in writing prior to the commencement of development. The agreed means of enclosure and gated access shall be installed as agreed and thereafter retained.

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.

20. **PLANNING APPLICATION - 19/00950/OUT - HORSESHOE BRIDGE**

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.

Erection of 2 x six storey buildings comprising 16 flats (12 x 1bed and 4 x 2 bed) with associated car parking, bin and cycle storage (Outline application all matters for consideration except landscaping)

Steve Lawrence (agent) and Councillor Cooper (ward councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that amendments were required for the conditions, as set out below. It was also explained that condition 14 was no longer required as the officer amendment to conditions and that this could be deleted.

It was explained that the noise condition 05 (Glazing) and 07 (Location of Plan) were subject to ongoing negotiations with the applicants acoustic consultant and the Council's Environmental Health Department to ensure bedrooms adjacent to the railway line receive appropriate ventilation whilst maintaining acoustic performance.

Panel voted to add an additional condition governing the hours of use for the upper floor amenity areas and requested that the conditions be amended to include a permeable surface for the car parking areas and issues relating to the security of the site including gates and CCTV coverage, amended 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: Infrastructure, Planning and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission.

FOR: Councillors Savage, Coombs, Vaughan and Windle

AGAINST: Councillor Mitchell

RESOLVED that the Panel:

- (i) Confirmed the Habitats Regulation Assessment set out in Appendix 2 of the report.
- (ii) Delegated authority to the Service Lead Infrastructure, Planning, and Development to grant planning permission subject to: the planning conditions recommended at the end of this report; any amended or additional conditions added at the meeting; 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. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project 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.

- d. Employment and Skills Plan to secure training and employment initiatives.
 - e. The provision of affordable housing in accordance with Policies CS15, CS16 & 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).
 - f. 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);
- (iii) In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Infrastructure, Planning and Development be delegated authority 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.
 - (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. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting,
 - (v) that the Service Lead-Infrastructure, Planning & Development be granted authority to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement. In the event that the scheme’s viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

Amended Conditions

1. OUTLINE PERMISSION TIMING CONDITION (PERFORMANCE)

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure, the scale, massing and bulk of the structure, is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
- (ii) The landscaping of the site specifying both the hard, soft treatments and means of enclosures and maintenance. To include permeable paving to the car parking area, an acoustic fence to the boundary adjacent to the railway line and secure gated access to the car park and pedestrian entrance points, to be installed prior to first occupation and thereafter retained. The soft landscaping shall include native species.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

REASON: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

3. AMENITY SPACE ACCESS (PRE-OCCUPATION)

Before the development hereby approved first comes into occupation, the rooftop terraces and pedestrian access to them, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings. The roof top terraces shall not be occupied between the hours of 11pm-7am on any day.

REASON: To ensure the provision of adequate amenity space in association with the approved dwellings. In the interests of the amenities of neighbouring occupiers. In the interests of site security and to provide an acceptable living environment. In the interests of preserving and enhancing biodiversity.

13. PILING (PRE-COMMENCEMENT)

Unless otherwise agreed in writing with the Local Planning Authority, if piling is necessary then auger cast piling shall be used.

REASON: In the interest of residential amenity and to safeguard protected species.

Additional Condition

SECURE BY DESIGN (PERFORMANCE)

The development shall be carried out and retained in accordance with the secure by design measures as set out within drawing no. 0515-01.004.03.

REASONS: In the interests of safety and security

Deleted Condition

14. Ecological Mitigation Statement deleted following consultation with the Council's Ecologist with the piling and landscaping conditions amended to provide safeguards and biodiversity enhancement.

21. **PLANNING APPLICATION - 19/00990/FUL - 8 DEVONSHIRE 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.

Change of use from a dwelling house (class C3) to flexible dwelling house (class C3) or a house in multiple occupation (HMO, class C4) for up to 5 persons.

Lorraine Barter and Tessa Barratt (local residents/ 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 carried unanimously.

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

22. **QUARTERLY DEVELOPMENT MANAGEMENT FIGURES**

The Panel considered and noted the report of the Service Lead - Infrastructure, Planning and Development detailing the Planning Department's performance against key planning metrics.