
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 22 JUNE 2021

Present: Councillors L Harris (Chair), Prior (Vice-Chair), Coombs, Windle and J Payne

Apologies: Councillors Magee

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

It was noted that following receipt of the temporary resignation of Councillor Magee from the Panel the Service Director Legal and Business Operations acting under delegated powers, had appointed Councillor J Payne to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meeting on 1st June 2021 be approved and signed as a correct record.

8. **PLANNING APPLICATION - 19/00838/OUT - BITTERNE CHURCH OFFICE - WHITES ROAD**

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

Outline application for the redevelopment of the site including 15 houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking following demolition of existing parish church hall and the removal of the existing bowling green and pavilion (layout and access only all other matters reserved) (departure from local plan) (amended description following amended plans).

Lois Lawn and Stuart Barnes (local residents/ objecting), Gareth Jenkins (agent), Reverend Tony Palmer (supporter) and Councillor Houghton (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition statements were received, circulated and noted from Caroline Dawkins, Wendy Hall, Sue Hamilton, Kathy Bush and Asley Gilroy.

The presenting officer reported number of amendments to conditions and these are 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 Interim Head of Planning and Economic 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 Interim Head of Planning and Economic Development 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);
 - 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 of a construction traffic management plan to ensure that construction traffic causes minimal potential congestion on the local highway network.
 - d. 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) including an Affordable Housing Viability Review Clause reflective of the DVS appraisal.
 - e. 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).
 - 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).
 - g. 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.
 - h. Provision of a Multi-Use Games Area (MUGA) to be managed through a community use agreement to mitigate against the loss of playing pitches (bowling green and ball court) on the site.
 - i. A plan for tree replacement to mitigate the loss of trees in connection with the Development

- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Interim Head of Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iv) That t the Interim Head of Planning and Economic Development be granted delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Additional conditions

36. Highway Design Further Details – (Pre-Commencement Condition)

Notwithstanding the approved plans detailed design of the pedestrian and vehicular access arrangement for the site; and in particular from Whites Road, shall be submitted to and approved in writing by the local planning authority prior to any works commencing on site. The details shall include either; refuse vehicle tracking and physical measures to prevent the likelihood of informal parking which would likely obstruct refuse collection vehicles from accessing refuse collection points and turning areas associated with all dwellings proposed on site; potentially amending the width of parts of the site access along with bollards and double yellow lines; or details securing private refuse collection for the site. Once agreed the development shall be carried out in accordance the agreed details prior to occupation and maintained throughout the lifetime of the development.

REASON: To secure details in the interests of highway safety and to provide suitable access arrangements for all vehicles (including refuse collection vehicles) and pedestrians along with minimising opportunities for informal parking that would potentially obstruct refuse vehicle access.

37. 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 development shall be implemented in accordance with the approved waste management plan. The waste management plan shall detail use of suitably sized vehicles that will be capable, including evidence, that turning onsite will be achieved and at no time other than collection day shall refuse be stored on the Whites Road public highway.

REASON: In the interest of visual and residential amenity and to ensure highways safety by preventing the need for refuse vehicles to reverse onto the public highway (Whites Road).

38. Development parameters. (Performance Condition)

As identified in the approved plans and the description of development outline permission is granted for the redevelopment of the Bitterne Parish Church site for 15 x two storey houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking; and multi-use games area.

REASON: For the avoidance of doubt.

39. Noise Report – (Pre-Occupation Condition)

Prior to the occupation of the hereby approved multi use games area an acoustic report shall be submitted to and approved in writing buy the local planning authority.

Once agreed the development shall be carried out in accordance the agreed details including all recommendations covering the following aspects of the proposal where appropriate:

- Installation of acoustic barrier which will be built outside the perimeter fence, so they are protected from being hit by balls generating impact noise;
- All fencing must be securely clamped with resilient fixings to prevent vibrations;
- No signage shall be added to the fencing around playing pitches which might otherwise generate vibration and noise if the fence is struck by balls etc;
- All access routes should be located away from the adjacent housing, so far as is practical; and
- Facilities shall be managed to avoid antisocial behaviour and unnecessarily raised noise levels.

REASON: To protect the amenities of the occupiers of existing nearby properties.

40. Multi use games area flood lighting (Pre-Occupation Condition)

Prior to the erection and use of any floodlighting associated with the multi-use games area further details, including mitigation measures to prevent light spill over sensitive adjacent bat foraging areas and adjacent residential properties/gardens, shall first to be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented and thereafter retained as approved. The flood lighting shall be switched off when the multi-use games area is either not in use or outside of the approved operational hours of the multi-use games area.

REASON: In the interest of residential amenity/to minimise the impact on protected species.

41. Multi Use Games Area hours of use (Performance Condition)

The multi-use games area and flood lighting approved shall not be available for use outside of the following hours:

9am to 8.30pm Monday to Friday; and

9am - 7pm Saturday and Sunday

REASON: To protect the amenities of the occupiers of existing nearby residential properties.

42. Vehicular Access limitation (Performance Condition)

At no time shall the pedestrian access from the site through to the A3024 spur road be converted to provide vehicular access

REASON: In the interests of highways safety.

9. PLANNING APPLICATION - 20/00947/FUL - 50 OXFORD STREET

The Panel considered the report of the Head of Planning and Economic Development recommending that the Panel refuse planning permission in respect of an application for a proposed development at the above address.

Erection of a roof top bar – description amended following validation.

Ian Knight (agent), was present and with the consent of the Chair, addressed the meeting. In addition Statements from Cllr Bogle (Ward Councillor) and Colin Beaven objecting were read out at the meeting.

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

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

Reasons for Refusal

1.Reason for Refusal - Noise and disturbance

The proposed development, by way of its night time use, shared access arrangements with residential properties and open and exposed position on upper floors, would be detrimental to the amenities of neighbouring properties (including residents within the same building) by reason of noise, safety and disturbance. The proposal would therefore be contrary to 'saved' policies SDP1, SDP16 and RE17 of the City of Southampton Local Plan Review (amended 2015) as supported by Policy AP8 of the adopted City Centre Action Plan (2015) and the guidance contained within the National Planning Policy Framework 2019.

2.Reason for Refusal - Lack of Section 106 to secure planning obligations.

In the absence of a completed Section 106 legal agreement to support the development the application fails to mitigate against its wider direct impacts in the following areas and is, therefore, contrary to Policy CS25 of the adopted LDF Core Strategy (2015):

- i) Late Night Community Safety Contribution to address the wider implications of late night uses within the city centre in accordance with 6.5 of the Developer Contributions Supplementary Planning Document (2013) as supported by Policy AP8 of the adopted City Centre Action Plan (2015); and
- ii) CCTV contribution to address the wider implications of late night uses within the City Centre in accordance with 6.5 of the Developer Contributions Supplementary Planning Document (2013) as supported by Policy AP8 of the adopted City Centre Action Plan (2015)

10. **PLANNING APPLICATION - 20/01676/FUL - 248 PRIORY ROAD**

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

Retrospective alterations to site layout to allow an additional parking space resulting in a reduced garden size for block B and alterations to the landscaping to the front of block D to enable sufficient space for emergency vehicle turning and for loading and unloading for pontoon users (Amended Description)

Penny King (agent) was present and with the consent of the Chair, addressed the meeting. Additionally statements from Tony Scorey and Barry Bowerman were received, circulated and presented to the Panel.

The presenting officers reported the in the light of additional information received after the report was published there was a need to change the recommendation as set out

below. In addition amendments to conditions 2 and 5, as set below, were explained to the Panel.

The Panel then considered the amended recommendation to delegate authority to the Head of Planning and Economic Development grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE

FOR: Councillors L Harris, Prior, J Payne and Coombs

AGAINST: Councillor Windle

RESOLVED that the Panel delegated authority to the Head of Planning and Economic Development to issue permission following further investigation/checks regarding land ownership, with any necessary notifications to follow if the original certificate is found to be incorrect and needs amending. If any new material considerations are identified as a result, which were not presented/discussed by Panel, the application shall be reconsidered by the Planning & Rights of Way Panel ahead of final determination. If further notification is needed and no new material issues are identified, within the requisite timeframe then delegated permission will follow.

Amended Conditions

2.Landscaping, lighting & means of enclosure detailed plan (Within 1 month).

Notwithstanding the submitted details, within 1 month of the date of this permission 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;
- (ii) 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);
- (iii) a landscape management scheme: and
- (iv) knee rails to prevent loading and unloading from occurring on landscaped areas outside of the emergency vehicle parking area.

The approved hard and soft landscaping scheme for the whole site shall be carried out during the first planting season following the date of this planning permission. 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.

5. Car Parking Management Plan (Within 1 month).

Within 1 month of the date of this permission a Car Parking Management Plan (CPMP) to include management arrangements, and details of signage to prevent fly parking within the site access and turning areas to control usage of the additional parking area and loading/unloading areas, shall be submitted to and agreed in writing by the Local Planning Authority. The management arrangements and signage shall be carried out, installed and retained as agreed for the lifetime of the development within 1 month from the date of formal approval by the Local Planning Authority. At no time shall the marina loading area/emergency vehicle turning area be used as a permanent, long stay and/or overnight parking area for use by either residents or by boat owners, marina staff and members of the public whilst accessing the moorings, pontoons and slip way fronting the River. Details of such controls shall be repeated in the submitted CPMP.

REASON: In the interests of pedestrian safety and the visual amenities of the area and to ensure that loading/unloading space close to the marina is free and available to use; particularly by the emergency services if required.

11. **PLANNING APPLICATION - 20/00024/FUL - MANSEL PARK**

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

Erection of standing/seated stands.

Mark Sennitt (agent), and Councillor Spicer (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition a statement from Mary McAuley objecting to the application was received and read out at the meeting

The presenting officer reported amendments to Condition 5, 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 unanimously.

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

Amended condition

Condition 5 – Travel (Pre-occupation)

Prior to the first use of the development hereby approved, an updated Match Day Traffic Plan and Transport Statement shall be submitted to the Local Planning Authority for approval in writing. The statement shall include details of parking numbers and locations, match day stewardship to avoid parking overspill and a review mechanism. The development shall not commence use until such details are agreed and once commenced shall operate in accordance with the agreed details.

REASON: In the interest of the amenities of the surrounding residents and highway safety, particularly on match days

12. **PLANNING APPLICATION - 20/01548/FUL - 12 MAYFLOWER ROAD**

The Panel considered the report of the Head of Planning and Economic 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 a 5-bed house in multiple occupation (HMO, class C4) (Retrospective)

The presenting officer informed the Panel that an additional condition detailing the occupancy limit should be added to the Planning Permission, 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 unanimously.

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

Additional Condition

Occupancy limit (Performance Condition)

The C4 small HMO use hereby approved shall be occupied by no more than 5 persons.

REASON: In the interests of protecting the character and amenity of the local area and to ensure appropriate shared space is available.

13. **PLANNING APPLICATION - 21/00162/OUT - ST JOHNS CHURCH**

The Panel considered the report of the Head of Planning and Economic 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 4 semi-detached houses, with associated access from St. James Road, parking and gardens, following demolition of the existing St John's Centre building (Outline application seeking approval for access, layout and scale) (Resubmission 20/00851/OUT)

Robin Reay (agent), and Councillors Leggett and Shields (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

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 1 of the report.

- (ii) Delegated authority to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 or S.111 Legal 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) Delegated authority to the Head of Planning & Economic Development to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within a reasonable timescale.