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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 12 SEPTEMBER 2023

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Present: Councillors Savage (Chair), Windle (Vice-Chair), Beaurain, Mrs Blatchford, A Frampton and M Bunday

Apologies: Councillor Cox

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

The Panel noted the apologies of Councillor Cox, who was represented by Councillor M Bunday for the purposes of the meeting.

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

**RESOLVED:** that the minutes for the Panel meetings on meetings held on 27 June 2023 and 11 July 2023 were approved and signed as a correct record at the previous meeting.

23. **PLANNING APPLICATION - 23/00668/R3CFL- ALBION PLACE & CASTLE WAY**

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

Change of use of Albion Place and Castle Way car parks to bus hub interchange with formation of associated vehicular access and public open space (proposal affects setting of listed structures and ancient scheduled monuments) [Amended description].

Mr Raymond Shave - Southampton Masonic Hall in Albion Place, Denis Gilbert (local residents/objecting), Nicholas Askew, Head of Public Realm, Green City & Infrastructure, SCC (supporter) and Councillor Noon (ward councillors/supporting) were present and with the consent of the Chair, addressed the meeting. In addition, the Panel noted that a statement had been received, circulated, and read by the Panel and posted online from Ros Cassy, Old Community Town Forum.

The presenting officer reported no amendments to the report.

During discussion on the item, members raised issues about the loss of a Lime tree and the ongoing maintenance of newly planted trees. Officers agreed to amend their recommendation by the variation to the condition 15, as set out in full below.

The Panel then considered the recommendation that the application be conditionally approved subject to criteria listed in the report, as amended. Upon being put to the vote the recommendation was unanimously carried.

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

## Changes to conditions

Condition 15 (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) proposed finished ground levels or contours; hard surfacing materials of the new public realm and pedestrian circulation spaces, raised planter design and associated drainage design, specification of external lighting, structures and ancillary objects (seating, refuse bins, etc);
- (ii) planting plans *including a minimum of 9 replacement trees*; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (v) details of any proposed boundary treatment and means of enclosure;
- (vi) a landscape management scheme;
- (vii) details of the specification and content of historic interpretation boards and ground artwork installation and,
- (viii) detailed specification and location of planter areas and upstands, including below ground sections and foundation design.

The approved hard and soft landscaping scheme for the whole site shall be carried out prior to the first operational use or during the first planting season following the full completion of works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision, with the exception of other works approved which shall be retained as approved for the lifetime of the development.

*Any **approved 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 **applicant Developer** shall be responsible for any **new and replacement trees, and their ongoing maintenance, for during** the lifetime of the development ~~for a period of 5 years from the date of planting~~.*

*Reason: To preserve important archaeological assets and setting of the Town Walls. To improve the appearance of the site **whilst ensuring suitable ongoing mitigation for the loss of the Lime tree 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.*

## 24. PLANNING APPLICATION - 23/00367/REM - BITTERNE PARISH CHURCH

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that the application be conditionally approved subject to the criteria listed in the report.

Reserved matters application seeking approval for APPEARANCE, LANDSCAPING and SCALE following outline planning permission. Ref: 19/00838/OUT for redevelopment of the Bitterne Parish Church 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;

and multi-use games area, following demolition of existing parish church hall and the removal of the existing bowling green and pavilion (departure from local plan).

Stuart Barnes (local resident objecting), and Philip Dudley, Director, Vivid Design Studio (agent) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the final sentence of condition 3, which related to Residential Parking (Pre-Occupation), would be deleted. The updated condition is noted below. The presenting officer also reported that condition 1 would be deleted.

During discussion on the item, Councillors requested further discussion with the applicant to identify if the ball court could be retained during construction. The officer agreed to consult the applicant following the meeting but explained that embedded within the agreement was the plan to provide a better sports facility on the site (condition 5.5).

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendation that the application be conditionally approved subject to criteria listed in the report (as amended). Upon being put to the vote the recommendation was unanimously carried.

#### **RESOLVED:**

1. to confirm the Habitats Regulation Assessment set out in Appendix 1 of the report.
2. that Planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below.

#### **Changes to conditions:**

Delete last sentence of condition 3, so that it now reads:

#### **03. Residential Parking (Pre-Occupation)**

The parking spaces for the dwellings; and access, to them shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained solely for the use of the occupants and their visitors; and for no other purposes other than indicated on the approved plans.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

Delete recommended condition 1.

#### 25. **PLANNING APPLICATION - 22/01710/FUL - 271 WINCHESTER RD (WICKES)**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that authority be delegated to the Head of Transport and Planning to grant planning permission subject to the criteria listed in the report.

Subdivision of the existing retail unit into 2 x retail units with new first floor mezzanine to create additional retail space associated external alterations, erection of 2.5m high acoustic fence, reconfiguration of car park and landscaping works (amended after validation to include acoustic fence).

The presenting officer advised that there were three changes to her recommendation:

- (1) In recommendation i, to delete “and/or undertakes” and replace with “to undertake”.
- (2) Amendments to condition 12 as set out in full below; and
- (3) New conditions to reimpose existing restrictions on the Wickes retail unit.

Kerry and Alex Harman (local residents objecting) attempted to join the hybrid meeting, several times, without success. However, the residents had submitted three detailed objections during the consultation process, and the Officer summarised these objections for members of the Panel on behalf of the residents. Mr Alan Williams (agent), was present and with the consent of the Chair, addressed the meeting.

During discussion on the item, members raised the issue that 1 cargo cycle parking space be sought within the cycle parking provision. The Officer agreed to negotiate this with the Applicant under delegation, advising the Panel that officers would have more control with a specific Local Plan policy on the issue.

The Panel then considered the recommendation that authority be delegated to the Head of Transport and Planning to grant planning permission subject to criteria listed in the report (as amended) and was unanimously carried.

**RESOLVED** that authority be delegated to the Head of Transport and Planning to grant planning permission subject to the conditions in the report and any additional or amended conditions or planning obligations set out below.

#### Changes to recommendation/conditions

##### Changes to Recommendation

No change to the recommendation itself, but a correction to the wording – delete “and/or undertakes” and replace with “to undertake”:

- i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act to undertake a scheme of works or provides a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site including junction improvements, an additional turning lane and improved pedestrian crossings/environment around the existing junction 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 Developer Contributions SPD (April 2013).

## Amended Conditions

- Cllr Savage requested that 1 cargo cycle parking space be sought within the cycle parking provision to be agreed under Condition 11. The Case Officer will negotiate this with the Applicant under delegation.
- Amend Condition 12 Refuse & Recycling - Replace “development” with “newly created retail unit”:

### **12. Refuse & Recycling (Pre-Use Condition)**

Before the newly created retail unit hereby approved first comes into use, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the **newly created retail unit** first comes into use and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of nearby properties and in the interests of highway safety.

Add conditions to reimpose existing restrictions on the Wickes retail unit:

### **Opening Hours (Performance Condition)**

The retail unit identified as “Wickes” on the Site Layout as Proposed (ref: 190809-1300 Revision P7) shall not be open for business outside the hours specified below, unless otherwise agreed in writing by the Local Authority:

Monday to Saturday 07:00 to 20:00 (7:00am to 8:00pm)

Sundays & Public Holidays 10:00 to 17:00 (10:00am to 5:00pm)

Reason: to safeguard the amenities of occupiers of nearby residential properties.

### **Delivery of goods, use of personal address system and external use of forklift trucks (Performance Condition)**

The delivery of goods, use of the personal address system or Tannoy machine, and the external use of fork lift trucks in relation to the retail unit identified as “Wickes” on the Site Layout as Proposed (ref: 190809-1300 Revision P7) only, shall not take place outside the hours specified below, unless otherwise agreed in writing by the Local Authority:

Monday to Saturday 07:00 to 19:00 (7:00am to 7:00pm)

Sundays & Public Holidays 10:00 to 17:00 (10:00am to 5:00pm)

Reason: to safeguard the amenities of occupiers of nearby residential properties.

### **Retail Use Restriction (Performance Condition)**

The retail unit identified as “Wickes” on the Site Layout as Proposed (ref: 190809-1300 Revision P7) shall only be used for retail sales within the following categories, and shall not be used for any other purpose whatsoever including any other purpose in Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended):

DIY and Building Supplies

Garden Centres

Boat Warehouses selling bulky leisure goods

Car parts centres

Carpet, ready assembled and self-assembly furniture centres

Domestic appliances  
Clothing (up to 743 m<sup>2</sup> (8000 ft<sup>2</sup>) total floorspace)

Reason: To prevent the establishment of a further Class E food retail unit in this position which would be prejudicial to the District Centres and City Centre established retail areas.

26. **PLANNING APPLICATION - 23/00829/FUL - 2-4 WODEHOUSE ROAD**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that authority be delegated to the Head of Transport and Planning to grant planning permission subject to the criteria listed in the report.

Erection of a 1-bed detached house, following demolition of existing building.

Gary Pengelly (local resident objecting), and Councillor Keogh (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted that a statement had been received, circulated, and read by the Panel and posted online from Cynthia and Herman Where (local residents objecting).

The presenting officer reported deleted conditions regarding water efficiency and energy efficiency, and additional conditions as set out in full below.

During discussion on the item, members raised the issue that separate planning permission would be required to turn the property into an HMO. And that in demolishing and developing the property the Applicant should curtail damage to neighbouring properties.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

**RECORDED VOTE**

FOR: Councillors Beaurain, Blatchford, M Bunday, Savage, Windle.  
ABSTAINED: Councillor Frampton

The Panel then considered recommendation (2) that authority be delegated to the Head of Transport and Planning to grant planning permission subject to criteria listed in the report] (as amended). Upon being put to the vote the recommendations (as amended) were carried, following the casting vote of the Chair.

**RECORDED VOTE**

FOR: Councillors M Bunday, Savage, Windle.  
AGAINST: Councillors Beaurain, Blatchford, Frampton.

**RESOLVED**

1. To confirm the Habitats Regulation Assessment set out in Appendix 1 of the report.

2. That authority be delegated to the Head of Transport and Planning to grant planning permission subject to the conditions in the report and any additional or amended conditions or planning obligations set out below.

### Changes to recommendation/conditions

#### **Deleted conditions, additional conditions, note to applicant, informative (By Officer)**

##### Deleted conditions:

###### 7) Water Efficiency (Pre-commencement)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum of 100Litres/Person/Day internal water use the form of a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA. The appliances/ fittings to be installed as specified.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (Amended 2015)

###### 8) Energy Efficiency - Conversion (Pre-Commencement)

Confirmation of the energy strategy, that will achieve a reduction in CO2 emissions of at least 15% or a minimum Energy Efficiency Rating of 70 post refurbishment (an EPC rating C), must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Measures that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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).

##### Additional Conditions

###### **6) Water & Energy [Pre-Commencement]**

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum 100 Litres/Person/Day internal water use. A water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the design.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (Amended 2015).

###### **7) Water & Energy [Performance]**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved 100 Litres/Person/Day internal water use in the form of a final water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the

Local Planning Authority for its approval. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the construction.

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy CS20 of the Adopted Core Strategy (Amended 2015).

### **13) Land Contamination investigation and remediation (Pre-Commencement & Occupation)**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
  - historical and current sources of land contamination
  - results of a walk-over survey identifying any evidence of land contamination
  - identification of the potential contaminants associated with the above
  - an initial conceptual site model of the site indicating sources, pathways and receptors
  - a qualitative assessment of the likely risks
  - any requirements for exploratory investigations
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

Reason: To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

### **15) Use of Uncontaminated Soils and Fill (Performance)**

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the development hereby approved first coming into use or occupation.

Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

### **19) Lamp column relocation**

Prior to the first occupation of the dwelling hereby approved the lighting column shall be moved beyond the access to the garage

Reason: To ensure safe access to the garage and in the interests of highway safety.



Note to applicant

Permission is required to move the lighting column to facilitate access to the garage. This can be arranged by emailing [LightingDesign@enerveo.com](mailto:LightingDesign@enerveo.com)

Informative

Southern Water – Sewerage Connection

A formal application for connection to the public sewerage system is required in order to service this development. Please read our Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

27. **PLANNING APPLICATION - 23/00859/FUL - MOORLANDS CRESCENT**

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

Erection of a 6ft fence around front of property (retrospective).

Mr and Mrs Jamie Risk (applicant), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an update had been provided both in writing and verbally to amend paragraph 8.1 of the officer recommendation to confirm that the recommendation was to refuse on the basis of the harm the proposal caused to the character and appearance of the area.

During discussion on the item, Councillors noted sympathy for the Applicants but also that the impact of the fence on the area was severe.

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

RECORDED VOTE to refuse planning permission.

FOR: Councillors Blatchford, M Bunday, Frampton, Savage, Windle.

AGAINST: Councillor Beaurain

**RESOLVED** to refuse planning permission for the reasons set out below.

Reason for Refusal (in full)

The fence by virtue of its height and siting is at odds with the prevailing character of Moorlands Crescent which primarily consists of open plan frontages with low level boundary treatments. The fence therefore results in harm to the character of the area contrary to saved Policies SDP9, and SDP12 of the City of Southampton Local Plan Review (2015), saved Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (as amended 2015) and the relevant guidance contained within both the Council's approved Residential Design Guide SPD (2006) and the National Planning Policy Framework 2023 in respect of good design. Any benefits to the applicant in terms of any perceived improvements to privacy and security

would not outweigh the harm identified above. Furthermore, approval would set an unwanted precedent for other sites.