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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 1 JUNE 2021

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Present: Councillors L Harris (Chair), Coombs, Magee, Prior and Windle

1. **ELECTION OF VICE-CHAIR**

**RESOLVED** that Councillor Prior be elected as Vice-Chair for the Municipal Year 2021-2022.

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

**RESOLVED:** that the minutes for the Panel meeting on 20 April 2021 be approved and signed as a correct record.

3. **PLANNING APPLICATION - 21/00087/FUL - NEWSPAPER HOUSE, TEST LANE**

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. Demolition of existing buildings and the erection of three buildings for use as either general industrial (Use Class B2) and/or storage and distribution (Use Class B8) with ancillary office accommodation, together with associated access, parking, landscape and infrastructure works (departure from the Development Plan).

Mr Eugene McManus, Mr David Smith (local residents), Paul Shuker (agent), and Councillor McEwing (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition the Panel received a statement from Councillor Guest.

The presenting officer informed the Panel that paragraph 3.1 of the report the new floor space should read 14,678 sqm. The presenting officer also reported that there was an amendment required to the recommendation, as set out below, and noted that wording to a number of the conditions and the deletion of the condition 9, as set out below. The Panel noted that whilst cars could potentially physically turn left out of the site, the existing Traffic Regulation Order in place makes this a manoeuvre an offence. There are currently no plans in place to alter the existing Traffic Regulation Order.

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

The Panel then considered the amended 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:

- (1) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.

- (2) Delegated 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 Legal Agreement to secure the following mitigation:
- (i) 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
  - (ii) The submission, approval and implementation of a Travel Plan for both the commercial and residential uses to promote sustainable modes of travel in accordance with saved Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy.
  - (iii) Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (for both construction and operational phases), 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).
  - (iv) 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)
  - (v) Provision of public art in accordance with the Council's Public Art Strategy and the Council's Developer Contributions Supplementary Planning Document.
  - (vi) Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
  - (vii) The submission, approval and implementation of a Servicing Management Plan which includes the routing of servicing vehicles for the operation of the development.
  - (viii) The submission, approval and implementation of a Demolition and Construction Management Plan which includes details to minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary; lorry routing and timing to reduce congestion and; the use of Euro IV standard or equivalent HGVs.
  - (ix) The submission, approval and implementation of a Demolition and Construction lorry routing plan to reduce congestion.
- (3) That authority be granted to the Head of Planning and Economic Development to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
- (4) That in the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning and Economic Development be granted authority to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

## **Amended Conditions**

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

Notwithstanding the submitted details, before the commencement of any site works, excluding site clearance, demolition and preparation works, a revised 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; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, external lighting, structures and ancillary objects (refuse bins etc.);
- (ii) planting plans; 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 to include feather and whip planting within the landscape area to the west of units 1 and 2 and climbing plants to screen service yard security fencing;
- (iii) An accurate plot of all trees to be retained and to be lost together with 1219 replacements, hedgerow planting and a greater variety of native trees species and to include large tree species;
- (iv) details of any proposed boundary treatment, including retaining walls and;
- (vi) a landscape management scheme which includes a woodland management plan for retained and replacement trees and vegetation on the site which shall ensure replacement and existing hedgerow be maintained at a height of between 2 and 3 metres and a cutting regime which shall avoid cutting of hedgerows within the site.

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 following its complete provision, with the exception of boundary landscaping which shall be retained as approved for the lifetime of the development.

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

### **17. Demolition and Construction Management (Pre-commencement)**

Before any development or demolition works are commenced, a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include details of:

- a) Details of methods for pollution control to ensure that no pollution (such as debris from dust or surface run off) is able to enter the water.

- b) Details on the storage and disposal of waste on site
- c) Details on how sediment/concrete/other debris that may be accidentally released during construction will be captured to prevent entering the water
- d) Details of Biosecurity to ensure that all equipment brought onto site does not bring any contaminants such as invasive species onto the site and into the waters.
- e) parking of vehicles of site personnel, operatives and visitors;
- f) loading and unloading of plant and materials;
- g) details of cranes and other tall construction equipment (including the details of obstacle lighting)
- h) details of temporary lighting
- i) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- j) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- k) measures to be used for the suppression of dust and dirt throughout the course of construction as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary
- l) The use of Euro IV standard or equivalent HGVs to minimise pollution
- m) details of construction vehicles wheel cleaning; and,
- n) details of how noise emanating from the site during construction will be mitigated.

The approved Demolition and Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

REASON: In the interest of air quality, local water courses, the health and safety, protecting the amenity of local land uses, neighbouring residents, and the character of the area and highway safety.

#### **Cycle storage facilities (Pre-Use)**

Before the development hereby approved first comes into occupation, details of secure and covered storage to achieve the maximum number of Development Plan spaces for bicycles shall be submitted to and approved in writing by the Local Planning Authority. The details shall include both visitor and staff cycle storage. The cycle storage together with the associated shower and changing facilities shall be provided in accordance with the approved details before each unit first comes into use. The storage and facilities shall be thereafter retained as approved for the lifetime of the development.

REASON: To encourage cycling as an alternative form of transport.

#### 4. **PLANNING APPLICATION - 20/01235/FUL - 93 - 99 BELGRAVE 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.

Use of site for recycling of metals including erection of workshop building and use of land for siting of temporary offices.

Dr Devine, Mr Hanna (local residents objecting), David Jobbins (agent), Robert Clarke (supporter) and Councillor Savage (ward councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the Hampshire Fire and Rescue Services had stated that they had no objection to the application. The City's scientific officer had also raised no objection to use of an oxyacetylene torch. The presenting officer reported amendments to the conditions 7, 13, 14 and 19, and an additional condition that would restrict vehicle movements as set out below.

The Panel requested and officers agreed that additional conditions be added to the report that would deal with ventilation, onsite storage, hours of work for demolition/clearance and construction and refuse and Recycling, as set out below.

The Panel then considered the recommendation to grant conditional planning permission with the amended and additional conditions. 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 Conditions**

#### **7 Hours of Use (Performance)**

The use hereby approved shall not operate outside the following hours:

Monday to Friday 08:30 – 18:00.

And shall not operate during public holidays.

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

#### **13 Noise Report - Full compliance. (Performance)**

The development hereby approved will be carried out in full accordance with the noise impact assessment, Technical report R8796-1 rev 1 Dated February 2021 including maximum noise levels generated, all recommendations, equipment and working practices for the lifetime of the development. For the avoidance of doubt the recommendations and working practices include:

- Re-orientation of bays and uses within the site (agreed as set out on the amended plans);
- Erection of a 6m high acoustic barrier within the site which will fully eliminate line of sight between the offloading/working area and all receptors in Roxan Mews; and shall be constructed from an impervious material with a surface density no less than 12 kg/m<sup>2</sup>.
- Provision of acoustic insulation within workshop building.
- A commitment to keep doors and windows to the workshop closed when plant is operated internally;
- No recycling of end of life vehicles; and
- Offloading of products into the reception bay will need to be undertaken with care and in accordance with a noise management plan which will include unloading by hand or a crane/material handler fitted with a clamshell grab only.

REASON: To protect the amenities of nearby residents.

#### **14 Noise management plan (Pre-occupation)**

Prior to the occupation of the site a noise management plan, listing methods to reduce noise generation at the site, shall be submitted to and approved in writing by the local planning authority. All staff members, prior to starting their employment, shall be made aware of the noise management plan and the metal recycling operations on site shall be carried out in accordance with the plan throughout the lifetime of the development.

The plan will include details of, but not be exclusively limited to, the points listed below:

- The method of careful offloading of products into the reception bay by hand or a crane/material handler fitted with a clamshell grab.
- Metal articles must be carefully lowered to the ground or into storage containers when using the crane/material handler fitted with a clamshell grab and shall at no time be dropped from height.
- At no time shall metal articles be thrown onto the floor, into piles, bins, skips or any other storage container.
- The specification of acoustic insulation required within the workshop building.
- No idling of vehicles when not in use.
- No use of angle grinders.
- No external storage outside of the designated bays of any materials not held within a container.

REASON: In the interests of local visual amenity including amenities enjoyed by nearby residents.

### **19 Dust Suppression (Performance)**

During times of dry weather, and when metal articles arrive on site which bring with them dust that could be blown off site whilst being processed, dust suppression measures shall be used to prevent dust from leaving the site which unless otherwise agreed in writing shall be achieved by dampening metal articles with water prior being unloaded onto site.

REASON: To prevent dust from being transferred from the site onto adjacent sites and; in particular, to protect the amenities enjoyed by the occupiers of adjacent residential properties.

### **Additional Conditions**

#### **Restricted vehicle movements (trip number & vehicle size restriction) (performance)**

##### ***Restricted vehicle movements (trip number & vehicle size restriction) (performance)***

No more than 4 trips (2 in, 2 out) shall be made by heavy goods vehicles, with 'heavy' being defined as any vehicle larger than 3.5 tonnes or with more than 2 axels, for the purposes of the bulk delivery of metal articles in association with permission hereby approved.

No vehicles exceeding 26 tonnes, or which are articulated; or which have more than 3 axels, shall enter the site or service/deliver to/from the site in association with the permission hereby approved.

REASON: As a means of limiting the scale of operation owing the information provided and in the interests of the amenities of the neighbouring residential occupiers.

#### **Extract Ventilation (Pre-Commencement)**

The use of any extract ventilation systems within the workshop building shall not take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The mechanical ventilation of the building shall thereafter be carried out in accordance with agreed written scheme throughout the lifetime of the development.

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

#### **Onsite storage limitation (Performance)**

At no time shall the site be used for the storage of caravans or mobile homes, vehicles not associated within the hereby approved business, end of life vehicles, or vehicle parts including tyres; and at no time shall vehicle batteries be stored outside of the workshop building.

REASON: In the interests of limiting the operation and scale of operation on site to protect the amenities of the occupiers of existing nearby properties.

### **Hours of work for Demolition / Clearance / Construction (Performance)**

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Friday 08:30 to 18:00 hours

And at no time on weekends and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

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

### **Refuse & Recycling (Pre-Commencement)**

Prior to the commencement of development, details of storage for refuse and recycling (not metal) 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 development is first occupied 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 future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

## **5. PLANNING APPLICATION - 21/00044/OUT - 60A THE AVENUE**

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 a 2.5-storey building containing 6 flats (3 x 2-bed, 3 x 1-bed) with associated parking and cycle/refuse storage (Outline application seeking approval for Access, Appearance, Layout and Scale) (Resubmission 20/01054/OUT) (Amended).

John Langram (local resident/ objecting), Adi Paplambu (agent), and Councillors Shields and Leggett (ward councillors) were present and with the consent of the Chair, addressed the meeting. In addition a statement from Mr David Parker was read to the Panel.

The presenting officer reported that questions had been raised in regard to the right of access to the site and noted that the recommendation would be dependent on the results of a bat survey.

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

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

A further motion to refuse planning permission for the reasons set out below was then proposed by Councillor L Harris and seconded by Councillor Prior.

RECORDED VOTE to refuse planning permission.

FOR: Councillors L Harris, Prior, Magee and Windle

AGAINST: Councillor Coombs

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

**Reasons for Refusal:**

**Reason 1 - Overdevelopment**

Whilst recognising the applicant's proposed reuse of previously developed land the nature of proposed site redevelopment in relation to its local context and character is, in the opinion of the Local Planning Authority, symptomatic of an overdevelopment and over-intensive use of the site by reason of:-

- i. An excessive net residential density level which is significantly above adopted Policy and the required density range of housing for this location and context; -
- ii. The overspill street parking impact from a development with limited on-site private car parking would adversely harm the residential amenity of local residents being able to conveniently park close to their homes by displacing the availability of kerbside parking spaces and increasing the burden on existing residents to enforce parking within nearby private roads;
- iii. Three flats fall short of the minimum internal floorspace standards set out in the Nationally Described Space Standards (March 2015) and therefore will create poor living conditions for future residents.

As such, the proposal would prove contrary to saved policies SDP1(i), SDP7, HE1 of the Local Plan Review (amended March 2015) and CS5, CS14, CS18, CS19 of the Core Strategy (amended March 2015) as supported by the relevant guidance set out in the Council's Parking Standards Supplementary Planning Document (2011), the adopted Residential Design Guide Supplementary Planning Document (Adopted 2006) as supported by The Avenue Conservation Area Appraisal & Management Plan (2013).

**Reason 2 – Bat Survey**

The bat emergence survey submitted does not adequately assess whether there is any potential adverse harm to protected bat species as the result of the building demolition and therefore the proposed development could cause unacceptable harm to protected species and prove contrary to saved policy NE4 of the Local Plan Review (amended March 2015) and policy CS22 of the Core Strategy (amended March 2015).

**Reason 3 – Lack of Section 106 or unilateral undertaking 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:*

- i. 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);
- ii. 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;
- iii. 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; and,



- iv. A restriction that residents of the scheme will be informed of the Council's policy that no parking permits for the surrounding streets be allocated for the future occupants of the development.