
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 11 JULY 2017

Present: Councillors Denness (Chair), Savage (Vice-Chair), Hecks, Murphy, Wilkinson and Shields

Apologies: Councillors Barnes-Andrews and Claisse

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

It was noted that following receipt of the temporary resignation of Councillor Barnes-Andrews from the Panel, the Head of Legal and Democratic Services, acting under delegated powers, had appointed Councillor Shields to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meeting on 20 June 2017 be approved and signed as a correct record.

14. **OBJECTION TO THE INCLUSION OF T13 & T14 IN THE SOUTHAMPTON (HOLY SAVIOURS CHURCH) TREE PRESERVATION ORDER 2016**

The Panel considered the report of the Head of Service seeking confirmation of tree preservation order

Reverend Angus Parker (objecting) and Councillor Lewzey (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

RECORDED VOTE to confirm the Tree Perseveration Order

FOR: Councillors Denness, Hecks, Murphy, Savage and Wilkinson

ABSTAINED: Councillor Shields

RESOLVED that the Panel confirmed The Southampton (Holy Saviours Church) Tree Preservation Order 2016 (Appendix 1) without modifications.

15. **PLANNING APPLICATION - 17/00732/FUL - 70 SWIFT 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.

Demolition of existing public house Class (A4) and erection of 6 x 4 bed semi-detached dwellings with associated car parking, cycle and refuse storage.

Nick Billington (agent) and Councillor Payne (ward councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that since the publication of the paper a further 3 objections had been received. It was also noted that a car parking Survey and a set of shadow diagrams had been submitted. The Panel sought clarification that the once constructed the properties could not be used as houses of multiple occupation and were given an assurance that an additional condition would be added to safeguard against this possibility, set out below.

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.

RECORDED VOTE to grant planning permission

FOR: Councillors Denness, Hecks, Murphy, Shields
and Wilkinson

ABSTAINED: Councillor Savage

RESOLVED that the Panel:

- (i) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager 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. Either a scheme of measures or a financial contribution towards 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
 - d. An obligation to preclude future residents being issued with car parking permits.
- (ii) 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 will be authorised 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.
- (iii) That the Service Lead, 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 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.

Additional Conditions:

RESTRICTED USE (C3 FAMILY DWELLINGS) (PERFORMANCE)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for C3 dwelling house purposes and not for any other purpose, in particular as an HMO (C4 use) without further grant of planning permission.

REASON: In the interest of the amenities of neighbouring occupiers.

16. **PLANNING APPLICATION - 16/01125/FUL - REAR OF 4-8 MILLBROOK ROAD EAST**

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 7-storey building to provide 12 flats (4 x 1-bedroom, 8 x 2-bedroom) and two floors of offices with associated parking and landscaping.

Dene Seanor and Dave Jobbins (objecting), and Kerry Futter (agent) were present and with the consent of the Chair, addressed the meeting.

The Panel 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 lost.

A further motion to refuse to delegate approval to the Service Lead: Planning, Infrastructure and Development for the reasons set out below was then proposed by Councillor Denness and seconded by Councillor Hecks.

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

Reasons for Refusal

1. **Overdevelopment and cramped appearance of the site**

Due to the small footprint of the site and land level changes the proposal results in an overdevelopment of site with a cramped appearance, which leads to the development being located unacceptably close to the boundary with the adjacent industrial estate. Furthermore, the proximity to the industrial estate, and particularly an existing chimney on the site's boundary provides harm to the outlook that the future occupiers would enjoy to the detriment of their amenity. As such the proposal is contrary to policies; SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015), CS13 of the adopted Local Development Framework Core Strategy (2015) and paragraphs 2.2.1-2.2.2 of the approved Residential Design Guide Supplementary Planning Document (2006).

2. Impact on noise due to proximity of development to adjacent industrial estate
Further to the above, the siting of the development adjacent to the industrial estate leads to a development that potentially harms future occupiers' residential amenities in terms of noise, disturbance and potential harm from pollution, particularly if the chimney is repaired on a like for like basis and becomes operational once more. This is exacerbated further by the failure of the applicant to provide an acoustic report to enable officers to fully assess the impact of the development in term of noise. Additionally, the proposal may prejudice the current and future occupiers of the industrial units due to potential conflict with working hours, which could result in noise complaints, that could lead to calls to restrict the industrial units activities impacting on the local economy. As such the proposal is contrary to policies SDP1, SDP7 and SDP16 of the City of Southampton Local Plan Review (Amended 2015), CS7 and CS13 of the adopted Local Development Framework Core Strategy (2015) and paragraph 123 – bullet point 3 of the National Planning Policy Framework (2012), which seeks to protect existing business and residential amenity.
3. Failure to enter into S106 agreement

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

- (i) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);
- (ii) As the scheme triggers the threshold for the provision of affordable housing, it is expected to deliver affordable housing to assist the City in meeting its current identified housing needs as required by Policy CS15 of the adopted Core Strategy (2015) and the adopted Developer Contributions SPD (2013);
- (iii) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;
- (iv) Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets;
- (v) 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);
- (vi) In the absence of either a scheme of works or a contribution to support the development, the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new

residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations; and

- (vii) Off site contributions to mitigate the loss of trees on 2 for 1 basis where it is considered necessary to provide off site replacements due to site constraints on available space for planting. This would be assessed following the submission of a tree replacement plan. These contributions are as required by saved policies SDP1, SDP12 of the Local Plan Review (2015) and CS22 of the Core Strategy (2015) as supported by the relevant paragraphs of section 4.8 of the Residential Design Guide SPD (2006).

17. **PLANNING APPLICATION - 17/00664/FUL - 137-143 SOUTH EAST 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.

The installation of new refrigeration plant and AC unit, external cold-room, barrier rail, access door, relocated existing AC unit and cycle racks.

Dave Ross (local resident objecting), Councillor Hecks (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel expressed concern that the new equipment should cause any additional noise

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 Denness, Shields and Wilkinson

ABSTAINED: Councillors Murphy and Savage

RESOLVED that the Panel approved conditional planning approval subject to the conditions set out within the report and the amended condition set out below.

Amended Condition

CONDITION 2 – NOISE

The development shall be implemented in accordance with the details outlined in the submitted 'Noise Impact Assessment' (dated 13/04/2017), with suitable noise mitigation installed and operated in accordance with the noise levels set out in the report. The development shall be maintained and operated in accordance with these details as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON: To protect the amenities of nearby occupiers.

NOTE: Councillor Hecks withdrew from the Panel for this item to make a presentation as Ward Councillor.