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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 12 NOVEMBER 2019

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Present: Councillors Savage (except minute number 36) (Chair), Mitchell (Vice-Chair), Coombs, G Galton, L Harris and Windle

Apologies: Councillor Vaughan

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

**RESOLVED:** that the minutes for the Panel meeting on 15 October 2019 be approved and signed as a correct record.

33. **PLANNING APPLICATION - 19/00038/OUT - NELSON GATE, SOUTHBROOK 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.

Hybrid planning application for mixed-use development comprising: (1) Outline planning permission (with all matters reserved) sought for a multi-storey building comprising residential (C3), hotel (C1) and retail (A1 to A5) uses alongside associated parking, landscaping and vehicular access. (2) Detailed planning permission sought for the demolition of Grenville House, erection of a three-storey podium extension to Norwich House (accommodating office (B1) and retail (A1 to A5) uses), external alterations to both Norwich and Frobisher Houses, provision of a site-wide hard and soft landscaping scheme, and associated site works including parking provision and modified access arrangements.

Simon Reynier (City of Southampton Society), Marianne McCullum (agent), were present and with the consent of the Chair, addressed the meeting.

The presenting officer explained there had been an update to paragraph 6.20 of the report updating the proposed profit levels. In addition it was noted that an additional condition in regard to Telecommunications Equipment was required. The Panel were concerned over the delivery times to the potential commercial premises and voted to amend the proposed condition on delivery times. Changes to the conditions are as set out below. Officers agreed to re-consult with the Council's Sustainability Officer regarding the wording of condition 33 to find out if BREEAM 'excellent' can be achieved on the new build elements of the scheme. Delegation was given to amend the planning conditions should the need arise.

The Panel agreed that the Service Lead – Planning, Infrastructure and Development be delegated authority to confirm the Habitats Regulation Assessment following the receipt of comments from Natural England.

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) Delegated approval to the Service Lead –Infrastructure, Planning and Development Manager to confirm the Habitats Regulation Assessment and 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, to include necessary Traffic Regulation Orders and relocation of existing taxi bays, 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. 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);
  - e. 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);
  - f. Affordable housing viability clause;
  - g. Submission, approval and implementation of Public Art in accordance with the Council's Public Art Strategy, and the adopted SPD relating to 'Developer Contributions' (September 2013),
  - h. Submission, approval and implementation of a Travel Plan for both the commercial and student residential uses;
  - i. Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners, with contributions towards community safety associated with the needs of the late night commercial uses; and
  - j. Submission of a scheme of works and management plan for the permitted route, public square and other publically accessible areas around the site.
  
- (ii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead- Infrastructure, Planning and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

- (iii) That the Service Lead Infrastructure Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

### **Additional Conditions**

#### **48. Telecommunications Equipment (Performance Condition)**

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking or re-enacting this Order) no external telecommunications equipment shall be installed on the roof of the building unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of safeguarding the appearance of the building and in the interests of the setting of the Civic Centre (grade II\* listed) when viewed from Northam Road

### **Amended Conditions**

#### **08. A1/A2/A3/A4/A5 Hours of Use and Delivery Restriction (Performance Condition)**

The non-residential ground floor uses hereby permitted shall not operate outside the following hours:

06:00 to 00:00

No deliveries shall be taken or despatched from the non-residential ground floor uses outside of the hours of 07:00 to **21:00** daily.

The hotel bar and restaurant shall be limited to hotel guests only after midnight.

REASON: In order to control the use in the interests of the amenity of nearby residential occupiers.

#### **47. Parking (Pre-Occupation)**

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

A maximum of 111 car parking spaces shall be provided with a ratio of **not** more than 1 parking space per residential flat.

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

### 34. **PLANNING APPLICATION - 18/01045/FUL - LAND AT BARGAIN FARM BROWN HILL WAY**

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.

Development of the site to provide a single storey food store (use class A1) with 158 car parking spaces to be accessed from Frogmore Lane via a new spur road and associated landscaping (departure from development plan).

Samuel Judd (local residents/ objecting), Simon Reynier (City of Southampton Society) and James Mitchell (applicant), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a number of updates to the report. It was noted that the number of parking space had been amend from 158 to 130. In addition it was explained the wording of the 106 requirements under section (i)b(1) need to be amended, as set out below.

It was noted that report had inaccurately stated in paragraph 2.1 and condition 7 stated that the net sales area explained that this required to be amended to **1,325 sq.m** from 1,352 sq.m.

The officer explained that the condition relating to site access would need to be amended, as set below.

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 refuse planning permission.

**FOR:** Councillors Savage, Mitchell, Coombs, Harris and Windle

**ABSTAINED:** Councillor Galton

**RESOLVED** that the Panel:

- (i) Delegated approval to the Service Lead –Infrastructure, Planning and Development Manager to grant planning permission subject to
  - a. The conditions set out in the report and any amendments set out below; and
  - b. the completion of a S.106 Legal Agreement to secure:
    - 1. Either a s.278 Agreement to undertake agreed works to the Brownhill Way/Frogmore Lane junction prior to the store first opening or, a financial contribution to cover the full cost of the Brownhill Way/Frogmore Lane junction works, 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). 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.
    - 2. 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.
    - 3. Submission, approval and implementation of a Travel Plan.
    - 4. Submission, approval and implementation of a Servicing Management Plan including the routing of HGVs that service the store.
    - 5. Submission, approval and implementation of a Site Waste Management Plan

6. 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).
- (ii) That the Service Lead – Infrastructure, Planning & 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 an acceptable junction design cannot be agreed or the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead- Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
  - (iii) 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**

Condition 2 (Access to Site) to as follows:

Before the store hereby approved first comes into use, the access to the site shall be provided in accordance with the plans and information approved as part of planning application planning application reference 17/01600/FULLS).

REASON: To secure a satisfactory means of access to the site in the interests of the character, amenity and safety of the area.

### **5. Landscaping scheme (Pre-Commencement Condition)**

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. Planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate **and to include a diverse planting scheme for the area demarcated on the submitted plans as “remain as existing grass land”**;
- ii. A specification of the trees to be planted providing native trees and an increase in broadleaf tree planting across the site **including within the area demarcated on the submitted plans as “remain as existing grass land”**;
- iii. 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 all hardstanding;
- v. details of any proposed boundary treatment, including retaining walls and;
- vi. a landscape management scheme including an automated irrigation scheme or similar to maintain the vegetation on 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 a minimum period of **10 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 **10 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 **10 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

35. **PLANNING APPLICATION - 19/01530/FUL - 59 BURGESS 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.

Erection of a part single storey, part first floor rear extension and 2.4m high retaining wall

Dr David Johnston (local residents/ objecting) and Adi Puplampu (architect), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported updates that two additional conditions to the report, 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.

RECORDED VOTE to grant planning permission  
FOR: Councillors Savage, Mitchell Coombs and Windle  
AGAINST: Councillors Galton and Harris

**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 Conditions**

**Obscure Glazing (Performance Condition)**

All windows in the side elevations, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

REASON: To protect the amenity and privacy of the adjoining property.

### **Implementation Timetable - Retaining Wall**

Notwithstanding the submitted details, within 3 months of the date of this decision notice an implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. A timescale for removal of the artificially raised area, which is supported by a low blockwork retaining wall in the north-western corner of the site, adjacent to the boundary with No.3 Burgess Gardens;
- ii. A timescale for implementation of the retaining wall hereby approved.

REASON: To ensure a timely resolution to the current unauthorised works on site and to ensure existing land stability issues are addressed in a timely manner.

### **COUNCILLOR MITCHELL IN THE CHAIR**

#### 36. **PLANNING APPLICATION - 19/01533/FUL -18 GROSVENOR 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.

Application for variation of Condition 1 (approved plans) and Condition 2 (relating to windows and doors) of planning permission ref: 18/00765/FUL (amended after validation to include Condition 1).

Nick Jones and Nigel Hodge (local residents/ objecting) and Councillor Savage (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel considered the issues related to the application and requested that and voted to add an additional condition relating to the hedge on the boundary be added, 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.

RECORDED VOTE to grant planning permission  
FOR: Councillors Mitchell and Coombs  
AGAINST: Councillors Windle  
ABSTAINED: Councillors Galton and Harris

**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**

##### **8 Replacement boundary screening (Performance)**

A boundary screen – such as a hedge or fence - to a minimum height of 1.8 metres shall be maintained along the common boundary between 18 and 20 Grosvenor Road following the insertion of glazing to the rear doors of the garage building hereby approved.

REASON: To protect the privacy of neighbouring residents.

NOTE: Councillor Savage withdrew from the Panel to represent his ward on this matter.

### **COUNCILLOR SAVAGE IN THE CHAIR**

37. **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.