
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 4 JUNE 2024

Present: Councillors Windle (Chair), Beaurain, Greenhalgh, Lambert, Wood, Evemy and A Frampton

Apologies: Councillors Mrs Blatchford and Cox

1. **ELECTION OF VICE-CHAIR**

RESOLVED that Councillor Greenhalgh be elected as Vice-Chair for the Municipal Year 2024-2025.

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

It was noted that following receipt of the temporary resignation of Councillors Mrs Blatchford and Cox from the Director of Legal and Governance acting under delegated powers, appointed Councillors Evemy and A Frampton to replace them for the purposes of this meeting.

COUNCILLOR GREENHAIGH IN THE CHAIR

3. **PLANNING APPLICATION - 22/00695/FUL - FORMER GASWORKS BRITANNIA 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 the application that authority be delegated to the Head of Transport and Planning to grant planning permission subject to the criteria listed in the report.

Redevelopment of the site. Construction of 4 buildings (Blocks A, B, C, D) ranging between 2 and 17 storeys comprising 384 residential units including ancillary residential facilities, with Block C comprising commercial floorspace (Class E), the link building comprising class E and class F2(b) uses, together with associated access from Britannia Road, internal roads and footways, car and cycle parking (including drop off facilities), servicing, hard and soft landscaping, amenity space, sustainable drainage systems, engineering and infrastructure works (amended description).

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

The presenting officer detailed some amendment required within the S106 (as set out below). In addition It was noted that condition 48 needed to be amended as set out below.

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

The Panel then considered the remaining recommendations that the application be delegated to the Head of Transport and Planning to grant planning permission subject to criteria listed in the report (as amended) and recommendations 3 and 4 as listed

below. Upon being put to the vote the recommendations (as amended) were carried unanimously.

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;
 - the receipt of a revised/updated viability assessment to reflect the current amended scheme, and the necessary fee to enable an independent review on behalf of the Council, within 3 months from this Panel meeting; and,
 - the completion of a S.106 Legal Agreement within 3 months of the receipt of the independent review of b) above to secure the following:
 - a. 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 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);
 - b. 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) taking into account the submitted build programme and the findings of any independently assessed viability appraisal – as updated by 2B) above - with a commitment to regular and on-going review mechanisms throughout the build process.
 - c. Submission of a highway condition survey (both prior to and following completion of the development) to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - d. Financial Contribution towards Northam Road/Britannia Road junction incorporating an upgrade to the traffic signals, provide new pedestrian/cycle crossings and street lighting.
 - e. Footway surfacing, serving bays and traffic regulation orders on Britannia Road.
 - f. Land reservation, Northwest corner to of the site for Northam Rail Bridge improvement scheme.
 - g. Retain land for public access (amenity space) and Public Permitted Route
 - h. Travel Plan and Future Mobility Hub including Car Club Management Plan.
 - i. Limit occupation to Build to prevent units from being sold separately. Provision of community use room(s) to be managed through a community use agreement detailing hours of use, how the facility will be advertised and charging schedule.

- j. Submission of a Training & Employment Management Plan (with financial contribution where applicable) committing to adopting local labour and employment initiatives with financial contributions towards supporting these initiatives during both the construction and operational phases (as applicable), 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).
- k. The submission, approval and implementation of a Carbon Management Plan (with financial contribution where applicable) 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).
- l. Provision of on-site CCTV coverage plan (financial contribution where applicable) 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
- m. The submission, approval and implementation of a waste management plan.
- n. The submission, approval and implementation of a servicing management plan.
- o. The submission, approval and implementation of a Flood Management Plan for both the commercial and residential uses (where applicable) to promote safe evacuation in flood events – with ongoing review - in accordance with Policy CS23 of the adopted LDF Core Strategy and Policy AP15 of the City Centre Action Plan.
- p. The submission, approval and implementation of a construction traffic management plan

3In the event that either the updated viability appraisal isn't received and/or the s.106 legal agreement is not completed within the time periods listed above (or another timeframe first agreed in writing with the Council) following the Panel meeting the Head of Transport and Planning be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

4The Head of Transport and Planning be delegated authority to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary; and

5In the event that either the updated viability appraisal isn't received and/or the s.106 legal agreement is not completed within the time periods listed above (or another timeframe first agreed in writing with the Council) following the Panel meeting the Head of Transport and Planning be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Changes to recommendation/conditions

48. Commercial Euro Bin Storage (Performance)

Before the commercial units hereby approved first come into occupation, the commercial bin stores shall be provided in accordance with plans that are first submitted to and approved in writing by the Local Planning Authority and shall include the following:

- Ventilation;

- Outwardly opening doors, or roller shutter doors which do not encroach onto the public highway, with no less than 1.4 metre wide opening and capable of being secured in place whilst bins are moved;
- Level threshold access;
- A lock system to be operated by a coded key pad;
- Internal lighting;
- Facilities for cleaning and draining the store and;
- Dropped kerb access to the adjacent highway.

The stores shall thereafter be retained and made available for use at all times for the lifetime of the development and other than on collection day, at no time shall any refuse be stored outside of the buildings.

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.

Note Councillor Windle withdrew from the meeting for consideration of this item.

COUNCILLOR WINDLE IN THE CHAIR

4. PLANNING APPLICATION - 23/01508/FUL - LEISURE WORLD, WEST QUAY 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 the application that authority be delegated to the Head of Transport and Planning to grant planning permission subject to the criteria listed in the report.

Use of the land for a period of up to five years for vehicle parking and storage associated with the operations of the Port of Southampton, with associated works including surfacing, lighting, fencing, drainage, service and security infrastructure, following demolition of public house and entertainment complex (Departure from Development Plan).

Ros Cassy (local resident), and Councillor Bogle (ward councillor) were present and with the consent of the Chair, addressed the meeting. Mark Ring (agent) was present virtually and experienced technical difficulties so was unable to address the Panel.

The presenting officer clarified that paragraph 1.4 of the report should have name Associated British Ports as the leaseholder. The presenting officer requested that Condition 3 be amended as set out below.

In addition it was noted that the offer of landscaping improvements listed in paragraph 2.6 had changed but any to amendments could be resolved by the proposed condition 6, as set out below. The Panel noted that the officer was recommending an amendment to Condition 11 in relation to the hours of construction hours as set out below.

During discussion on the item Councillors discussed the proposed time period within condition 1 for the temporary permission. A motion to amend the recommended condition 1 by reducing the period from 5 to 2 years was proposed by Councillor A

Frampton and seconded by Councillor G Lambert was put forward. Upon being put to the vote, the amendment to the recommendation was carried.

RECORDED VOTE: on the proposed amendment

FOR: Councillors Windle, Beaurain, Evemy, Frampton
and Lambert
AGAINST: Councillors Greenhalgh and Wood

The Panel then considered recommendations 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 were carried.

RECORDED VOTE

FOR: Councillors Windle, Beaurain, Evemy, Frampton,
Lambert and Wood
AGAINST: Councillor Greenhaigh

RESOLVED

1. That authority be delegated to the Head of Transport and Planning 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 in accordance saved 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), to secure site-specific transport contributions for highway improvements to Dock Gate 10 and West Quay Road including:
 - ii. The alteration of the phasing of traffic lights along West Quay Road to manage the traffic flows and green light time to reflect peak times and days for cruise traffic;
 - iii. Works to remove traffic signs to direct traffic to turn left out of Dock Gate 10 during peak times and days for cruise times.
2. That the Head of Transport and Planning 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 legal agreement is not completed within **3 months of the Panel meeting**, the Head of Transport and Planning be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Changes to recommendation/conditions

1. **Temporary Permission (Performance) AMENDED BY PANEL**
The development hereby approved shall be discontinued either on or before the period ending 2 years from the date of this consent. After this time the land, all storage and parking shall cease and the access link road between the site and Solent Road be removed.

REASON: The site is identified in the Development Plan for mixed use regeneration site and a lengthier use for storage and parking would hinder the realisation of this, adversely affecting the vitality of the city centre and the need for housing. Furthermore, the use of the site for storage and parking in the longer term would have a deleterious impact on the visual amenity of the area and impact on the ability to achieve a future flood defence for the city and the delivery of the West Quay Relief Road. As such, a period longer than 2 years for the use would not be acceptable.

3. West Quay Road Access Restriction (Performance Condition)

With the exception of access and egress by emergency service vehicles attending an emergency, the car park hereby approved shall not take access or egress directly onto or off-of West Quay Road at any time. Prior to the first use of the development hereby approved, secure boundary treatment must be erected between the car park and the vehicular access with West Quay Road, in accordance with details agreed pursuant with condition 5, below. The boundary treatment shall be retained for the lifetime of the development.

REASON: To prevent congestion on the highway and to help screen the visual impact of the development.

6. Landscaping, lighting & means of enclosure detailed plan (Pre-Use)

Notwithstanding the submitted details, before the commencement of the use of the car park hereby approved, a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- a. 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 and;
- b. a landscape management scheme.

The approved hard and soft landscaping scheme for the whole site shall be carried out prior to the development first coming into use or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained 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, during the lifetime of the use 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 the duration of the use of the site hereby approved.

Any approved trees which die, fail to establish, are removed or become damaged or diseased following their planting shall be replaced by the Developer (or their successor) in the next planting season with others of a similar size and

species unless the Local Planning Authority gives written consent to any variation.

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.

11. 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 07:30 to 18:00 hours

Saturdays 07:30 to 13:00 hours

And at no time on Sundays 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.

5. PLANNING APPLICATION - 23/01645/FUL - LAND ADJ. 47 BRYANSTON 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 the application that authority be delegated to the Head of Transport and Planning to grant planning permission subject to the criteria listed in the report.

Redevelopment of the site. Erection of 3 x 2-storey buildings comprising of 8 dwellings (4 x2-bedroom, 4 x3-bed

Meghan Rossiter (agent), and Councillor Keogh (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted that statements had been received, circulated, read and posted online from Mr & Mrs Gizzi, Silma Gallagher, Jessica Charge and Sharon Bedford.

The presenting officer reported that changes to the recommendation and Condition 6 would be required, as set out below.

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

The Panel then considered recommendations 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.

RECORDED VOTE:

FOR: Councillors Windle, Greenhalgh, Evemy,

ABSTAINED: A Frampton G Lambert and Wood
Councillor Beaurain

RESOLVED

1. To confirm the Habitats Regulation Assessment set out in Appendix 1 of the report.
2. Delegate to the Head of Transport and Planning to
 - review and agree the slope stability analysis and foundation design;
 - to consult with Network Rail and agree any appropriate mitigation; and
 - the receipt, review and agreement of the SUDS drainage design in consultation with SCC Flood Officer and the drainage scheme and suitable connections with Southern Waterand to then 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:
 - a) Either an equivalent financial contribution or the developer enters into an agreement with the Council under s.278 of the Highways Act to provide a new vehicular access to be built to adoptable standard and Parking restrictions in the form of double yellow lines to protect the new access from kerbside parking which may hinder emergency vehicle access into the new access (Section 278 and/or Traffic Regulation Orders will likely be required to enable the works and shall need to be entered into and funded by the developer). To also secure a row of parking spaces as shown on the approved site plan drawings of the planning application to be built and maintained to adoptable standards and retained for public use to offset the loss of kerbside parking. 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);
 - b) Submission of a highway condition survey (both prior to and following completion of the development) 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 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.
3. That the Head of Transport and Planning be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
4. In the event that Network Rail object, the legal agreement is not completed and/or the slope stability and foundation design is not agreed within a reasonable period following the Panel meeting, the Head of Transport and Planning be authorised to refuse permission on the ground of failure to secure a safe scheme and/or the provisions of the Section 106 Legal Agreement.

Changes to conditions

6 Slope Stability Analysis, Foundation and retaining wall design (Pre-Commencement)

Prior to the commencement of development hereby approved, a slope stability analysis and foundation and retaining wall design and method statement, to include measures to preserve the natural drainage characteristics of the soils and not to interfere with the existing groundwater regime, shall be submitted to and approved in writing by the Local Planning Authority. The foundation design shall be informed by the recommendations by the Main Investigation Report by Soils Ltd (Ref 21029/MIR Rev 1.0 October 23) with piled foundations to the housing. The development shall be carried out and retained in accordance with the agreed details.

REASON: In the interest of residential amenity and slope stability.

6. PLANNING APPLICATION - 24/00170/FUL - LAND ADJ. SYNAGOGUE MORDAUNT 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 the application be conditionally approved subject to the criteria listed in the report.

Erection of a two-storey building comprising of 4 x 1-bedroom flats with solar panels on roof, associated amenities and retention of temporary boundary fence (resubmission of: 23/01534/FUL)

Bargir Bazarov (agent), was present and with the consent of the Chair, addressed the meeting. Additionally the Panel noted that statements had been received, circulated, read and posted online from Jamie Hankins, Joseph Kavanagh and a further statement had been received by a person wishing to remain anonymous

The presenting officer noted that the report incorrectly suggested that the application would be delegated for approval and affirmed that the report was for conditional approval.

During discussion on the item, members raised issues in regard to lack of parking permit allocation and officers agreed to add an informative to the planning permission that clearly stated that no permits could be allocated for the new properties.

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

The Panel then considered recommendation that the application be conditionally approved. Upon being put to the vote the recommendation was carried unanimously.

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 with the addition of an informative to the developer on parking permits

