
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 9 OCTOBER 2018

Present: Councillors Savage (Chair), Coombs (Vice-Chair), Claisse, L Harris, Murphy, Wilkinson and Mintoff

Apologies: Councillor Mitchell

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

It was noted that following receipt of the temporary resignation of Councillor Mitchell from the Panel, the Director of Legal and Governance acting under delegated powers, had appointed Councillor Mintoff to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meetings held on 21 August 2018 and 11 September 2019 be approved and signed as a correct record.

29. **TO CONFIRM THE SOUTHAMPTON (192 OAKLEY ROAD) TREE PRESERVATION ORDER 2018 (APPENDIX 1)**

The Panel considered the report of the Head of Transactions and Universal Services detailing an objection to a Tree Preservation Order at 192 Oakley Road.

On consideration of the officers recommendation to confirm the above Tree Preservation Order there commendation was carried.

RECORDED VOTE:

FOR Councillors Savage, Coombs, Claisse, L Harris, Murphy and Mintoff

AGAINST: Councillor Wilkinson

RESOLVED that the Panel confirmed The Southampton (192 Oakley Road) Tree Preservation Order 2018 without modifications.

30. **PLANNING APPLICATION - 17/02592/OUT - 111-113 PAYNES 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.

Re-development of the site. Erection of 40 dwellings; 31 flats (3x 3-bed, 20x 2-bed, 8x 1-bed flats) and 9x 3-bed houses and a commercial building (class B1(b) or C) (Outline application seeking approval for Layout, Access and Scale). Departure from the Local Plan.

Andy Greenhalgh and Jeremey Hayes (local residents objecting), Graham Linecar (Southampton Common and Parks Protection Society), Robin Reay (agent), and Councillor Shields (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer clarified the description noting that the proposed outline was for a total of 40 dwellings. It was also reported an amendment to the recommendation within the section 106 for the provision of an accessible path into Freemantle Lake Park, as set out below. The Panel requested that an additional condition be added, as set out below, to ensure the use of permeable paving materials.

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

FOR: Councillors Savage, Coombs, Claisse, L Harris, Murphy and Wilkinson

ABSTAINED: Councillor Mintoff

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) 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 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. Either the provision of 35% affordable housing in accordance with LDF Core Strategy Policy CS15 or a mechanism for ensuring that development is completed in accordance with the agreed viability assessment (without any affordable housing) and that a review is undertaken should circumstances change and the development stall;
 - c. 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.
 - d. Either a financial contribution or the submission and implementation of details to be approved providing a permanent, publicly accessible pedestrian link into Freemantle Lake Park from the development to deal with the current change in levels. Details shall include a stepped and/or level access from the development site into the adjacent park, taking account of existing trees, with the agreed works to be implemented prior to first occupation of the units 06-40.
 - e. 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).

- f. The submission, approval and implementation of a Carbon Management Plan setting out how 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).
 - g. Submission and implementation of details to be approved providing a permanent, publicly accessible pedestrian link with Freemantle Lake Park.
 - h. Submission and implementation of details to be approved providing a permanent, publicly accessible pedestrian link with Freemantle Lake Park.
 - i. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets (Controlled Parking Zones).
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead- Planning Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iv) That the 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 Condition

36. PERMEABLE PAVING

Notwithstanding the approved plans permeable paving shall be provided for all the pedestrian and vehicle accesses, parking spaces and hardstanding amenity areas.
REASON: To ensure satisfactory drainage provision for the area.

31. **PLANNING APPLICATION - 18/01332/FUL - 32 CLIFTON 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.

Conversion of existing building from 5 flats to 10 flats (7x studio flats and 3x 1-bed flats) and increase on site car parking from 11 to 16 spaces (part-retrospective) (resubmission 18/00590/FUL)

Phil Lester (local resident objecting) and Councillors Taggart and Galton (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that two late objections received from neighbouring residents raising no new issues not already been covered in the Panel Report. In addition it was noted that the report referred to approval reference 12/01600/FUL which had not partially implemented. It was explained to the Panel that the works commenced after that permission had expired. The Panel also noted that there were 7 flats in existence and not 8 as stated in the report.

Upon being put to the vote the officer recommendation to conditionally grant approval was lost.

A further motion to refuse approval for the application for the reasons set out below was then proposed by Councillor Savage and seconded by Councillor Coombs was then carried unanimously.

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

REFUSAL REASON - Poor Living Environment

The proposed conversion of the building from 5 to 10 flats (part retrospective), would provide an unacceptable living environmental for future occupiers by reason of the limited size of the proposed studio units. The poor living conditions arising from the cramped environment would be compounded by a lack of natural sunlight for those units with a single north facing aspect. The proposal is thereby contrary to policies SDP1 of the amended City of Southampton Local Plan Review (2015), policy CS13 of the adopted Local Development Framework Core Strategy (2015), Section 2.2 of the approved Residential Design Guide SPD (2006) and Section 3 of the BRE Site Layout Planning for Daylight and Sunlight - A guide to good practise.

32. **PLANNING APPLICATION - 17/02443/OUT - 2 VICTOR STREET**

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 part 6-storey, part 5-storey building containing 45 flats (5x 3-bed, 6x 2-bed, 34x 1-bed) with associated parking and cycle/refuse storage, following demolition of existing building (Outline application seeking approval for Access, Appearance, Layout and Scale) (amended description)

James McCarthy (local resident objecting) and Bob Wiles (agent) were present and with the consent of the Chair, addressed the meeting.

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 lost.

A further motion to refuse to the application for the reasons set out below was then proposed by Councillor L Harris and seconded by Councillor Wilkinson

RECORDED VOTE to refuse planning permission

FOR: Councillors L Harris, Mintoff, Murphy and Wilkinson

AGAINST: Councillors Claisse and Savage

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

Reason for Refusal

REFUSAL REASON - Failure to provide Affordable Housing and S.106 Mitigation

In the absence of a completed S.106 Legal Agreement the application fails to mitigate against its direct impacts and do not, therefore, satisfy the provisions of policy CS25 of the adopted Local Development Framework Core Strategy (Amended 2015), as supported by the Council's Supplementary Planning Guidance on Planning Obligations (April 2013), in the following ways:-

- (a) The Council's Strategy (2016-2020) "Southampton – a city of opportunity where everyone thrives" identifies how the provision of affordable housing in the City can contribute towards strong and sustainable economic growth. As the scheme triggers the threshold for the provision of affordable housing it is expected, as required by Policy CS15 from the adopted Local Development Framework Core Strategy Development Plan Document (2015), to make a provision towards the acute affordable housing need across the City, which at August 2018 had reached 8,300 applicants on the Housing Register waiting to be rehoused. As proposed the scheme makes nil provision towards this evidenced need, and whilst the delivery of private housing in a sustainable location and the scheme's viability have been afforded weight in the consideration of the planning application and the merits of the scheme as a whole they do not outweigh the need to secure a mix of good quality affordable housing to meet the acute needs in the City as required by Policy CS15, and to assist in supporting strong, vibrant and healthy communities as required by paragraph 8 of the National Planning Policy Framework (NPPF) and the Council's Strategy (2016-2020) and, as such, nil affordable housing in this instance has been considered as contrary to Policy CS15.
- (b) In addition, in the absence of the completed S.106 legal agreement, the following mitigation has not been secured:
- (i) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including the bus stop relocation, service bay, and any necessary Traffic Regulation Orders to facilitate any changes, 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 Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and 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);
 - (iii) Submission of a highway condition survey to ensure that any damage to the adjacent highway network attributable to the construction process is repaired by the developer;
 - (iv) Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets whereby residents are informed of the Council's current policy for issuing permits;
 - (v) Financial contributions, or an alternative approach, towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010; and,
 - (vi) 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).

33. **PLANNING APPLICATION - 18/01467/FUL - 350 SHIRLEY ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel decline to determine the application for a proposed development at the above address

Use of part of the curtilage of 350 Shirley Road for the display and storage of motor vehicles for sale.

Paul Finnegan (applicant) and Councillor Taggart (ward councillor supporting) were present and with the consent of the Chair, addressed the meeting.

The planning officer stated that amended plans (reducing area being proposed for car sales and increasing area for customer parking) had been submitted by applicant on 03.10.18. The Panel noted that plans had been reviewed by Councils Conservation Officer and that the advice remained that proposal would have a harmful impact on the listed building.

The Panel then considered the officer's recommendation. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel gave approval for the Council to Decline to Determine this retrospective planning application in accordance with s70C of the Town and Country Planning Act as the proposed development affects land to which a pre-existing enforcement notice relates.

34. **PLANNING APPLICATION - 18/01465/FUL - 350 SHIRLEY ROAD**

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel refuse to grant approval in respect of an application for a proposed development at the above address.

Change of use of part of the ground floor, first floor and second floor of the building to a 5 bedroom House in Multiple Occupation (HMO) (C4 Use) including internal works to facilitate this use (part retrospective) (submitted in conjunction with 18/01466/LBC)

Paul Finnegan (applicant) was present and with the consent of the Chair, addressed the meeting.

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

RESOLVED that planning permission be refuse for the reasons set out within the report and the additional reason set out below.

ADDITIONAL REASON FOR REFUSAL

Reason for Refusal – Lack of information on necessary facilities

The proposed cycle storage is considered to be of generally poor quality in terms of failing to provide direct and easy access to the storage facilities from the public highway. No details have been provided of refuse storage. Taking into account the special significance of the property as a Grade II listed building and partially

retrospective nature of the application, it is not considered appropriate to seek to secure details of structures at a later stage which are necessary to secure a good quality living environment for the occupants as they have the potential to harm the appearance and setting of the listed building. As such the failure to provide clarity on how these matters will be addressed is not acceptable. Therefore, the proposal is contrary to saved Policies SDP1(i), SDP4(ii), SDP5(iii), HE3 and H7 of the amended Local Plan Review (2015) and Policies CS13, CS14 and CS19 of the adopted LDF Core Strategy (2015) as supported by the Councils Parking Standards SPD (2011) (with particular reference to section 5.1) and the Councils Residential Design Guide SPD (2006) (with particular reference to section 9).

35. **PLANNING APPLICATION - 18/01561/FUL - 35-36 OXFORD STREET**

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.

Change of use of Basement to a bar venue providing food, drink, dancing and musical entertainment and external alterations to front elevation.

Simon Foderingham (Applicant) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that since publication of the report there had been the following correspondence had been received that set out:

- An objection received from the City Councils Flood Team due to the lack of a Flood risk assessment;
- Request from the City Councils Heritage Officer to have the proposed new door access to the basement recessed;
- That the Police had raised no concerns to the applicants proposed operating hours of 2am;
- A concern raised by the City Councils licensing team regarding the potential impact on local amenity as a result of extending the operating hours beyond the currently licensed 1am closing time;
- An objection from the City of Southampton Society regarding proposed opening hours and concern raised regarding means of escape: and
- A request from City Councils s106 officer for contributions to late night community safety facilities.

The presenting officer explained that given the correspondence the nature of the recommendation to the Panel would need to be amended as set out below.

The Panel noted that previously the Panel had agreed a closing time of 2:00pm and that works had not commenced as the basement had flooded. The Panel were minded to agree an additional condition and amend the hours use, as set out below, in order to grant permission on a similar basis.

The Panel then considered the officer recommendation as amended to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RESOLVED

- 1) that authority be delegated to the Service Lead Planning, infrastructure and Development subject to the conditions set out within the report and any additional or amended conditions set out below and:
 - (i) The applicant entering into a S106 to secure contributions towards late night community safety facilities;
 - (ii) The withdrawal of the Flood Team's objection following receipt of a Flood Risk Assessment;
- 2) In the event that the S.106 is not completed and the Flood objection cannot be addressed that the Panel delegated authority to the Service Lead Planning, Infrastructure and Development for a refusal of the application on these grounds

Additional and Amended Conditions

03. APPROVAL CONDITION - Hours of Use - Performance Condition

Unless the Local Planning Authority agree otherwise in writing, the premises to which this permission relates shall not be open for business outside the hours specified below:-

10.00 am to 02.00 am Monday to Sunday including recognised Public Holidays.

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

11. APPROVAL CONDITION - Register of Members - Performance Condition

The basement area shall be operated as a private members club (sui generis use) and a register of members shall be maintained and made available for inspection by the Local Planning Authority. Details of how the membership scheme will be operated shall be agreed in writing with the Local Planning Authority prior to the first use of the basement for its approved use, with the premises operated in accordance with the agreed scheme thereafter.

REASON: To ensure the club is operated and managed in a manner which would be minimise the potential impact on the amenity of local residents given the permitted operating hours extending beyond midnight.