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**PLANNING AND RIGHTS OF WAY PANEL**  
**MINUTES OF THE MEETING HELD ON 12 OCTOBER 2021**

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**Present:** Councillors L Harris (Chair), Prior (Vice-Chair), Coombs, Magee, Savage, Vaughan and Windle

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

**RESOLVED:** that the minutes for the Panel meeting on 21 September 2021 be approved and signed as a correct record.

30. **PLANNING APPLICATION - 21/01139/FUL - 35-41 LONDON ROAD**

The Panel considered the report of the Head of Planning and Economic Development recommending that the Panel refuse planning permission in respect of an application for a proposed development at the above address.

Change of use of basement nightclub (Sui generis use) and part of ground floor cafe/restaurant to Gentleman's Club (Sui generis use) including extended hours of operation to Sunday - Thursday, 21:00 - 05:00 and Friday and Saturday 18:00 - 05.00.

Mrs Barter (local resident objecting), Mr Johnson (agent), and Mr Nicie (applicant), were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted the statement from Riya Khatri, on behalf of local residents objecting to the application, had been received and posted online

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

RECORDED VOTE to refuse planning permission.

FOR: Councillors Harris, Prior, Coombs, Magee, Windle and Savage

ABSTAINED: Councillor Vaughan

**RESOLVED** that the Panel supported the officer recommendation to refuse planning permission for the reasons set out below:

**Reason for refusal**

The proposed opening hours would result in an extended late night use, which is situated in a location where there are nearby residential properties. It is considered that the intensification of use into the early hours of the morning would cause further detriment to the amenities of the nearby residential properties by reason of noise and disturbance caused as patrons leaving the premises and dispersing into the surrounding area. The proposal would be contrary to the particular provisions of the adopted City Centre Area Action Plan (CCAAP) Policy AP8 which outlines acceptable limits on opening hours within the city centre. Furthermore this would set a difficult precedent to defend against and could lead to further impacts within the locality to the further detriment of the community. The proposal would thereby, having regard to similar appeal decisions in the locality for hours of use beyond the midnight terminal hours, prove contrary to and conflict with 'saved' policies SDP1, SDP16 and REI7 of the

City of Southampton Local Plan Review (amended 2015) and Policy AP8 of the CCAAP (adopted 2015).

31. **PLANNING APPLICATION - 20/01367/FUL - CITY WEST - MILLBROOK ROAD EAST**

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.

Conversion of existing commercial units into 24 (10 one-bed and 14 studio) units with associated parking and cycle/refuse storage (Departure from Local Plan) – description amended following validation.

Simon Reynier (City of Southampton Society), Paul Airey (agent), and Councillor Shields (ward councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer explained that the Southern Water section 5.6 should state an informative to connect to the foul and surface water disposal was requested and not a condition. In response to Panel questioning an additional condition relating to electric vehicle charging points was added, as set out below.

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 carried unanimously.

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Head of Planning and Economic Development 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. Either the provision of 35% affordable housing in accordance with LDF Core Strategy Policy CS15 or confirmation that the proposal complies with the requirements of the Vacant Building Credit criteria (securing development without any affordable housing) and that a review is undertaken should circumstances change;
  - 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 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.

- (iii) That the Head of Planning and Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
- (iv) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Panel authorised Head of Planning and Economic Development to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (v) 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 the Panel noted that a report will be brought back to the Planning and Rights of Way Panel for further consideration of the Planning application.

#### ADDITIONAL CONDITION

##### ELECTRIC VEHICLE CHARGING POINTS (PERFORMANCE CONDITION)

Before the use hereby approved first comes into use a minimum of two electric vehicle charging points shall be provided on site and rendered operational in accordance with a specification to be first agreed in writing by the Local Planning Authority. The charging points shall be thereafter retained and maintained as approved.

REASON: To combat the effects of climate change and reduce the emission of pollutants in accordance with policy CS20

#### 32. PLANNING APPLICATION - 20/01785/FUL - COMPASS HOUSE, ROMSEY ROAD

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.

Re-development of the site to create a three-storey hotel containing 73 rooms with associated works including 73 car parking spaces. (Resubmission 19/00726/FUL)

Simon Reynier (City of Southampton Society), Chris Brady (agent), and Councillor Spicer (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted the statement received by Councillor Guest which had been circulated and posted on-line.

The Panel requested and officers agreed to include in their recommendation that an additional condition relating to electric vehicle charge points be added to the application, as set out below.

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 carried unanimously.

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Head of Planning and Economic Development to grant planning permission subject to the amendment 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. 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);
  - d. Submission and implementation within a specified timescale of a Travel Plan;
  - 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. Submission and implementation within a specified timescale of a Waste Management Plan;
  - g. The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy; and
  - h. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) and New Forest SPA in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (March 2006), CS22 of the Core Strategy and the Planning Obligations SPD (September 2013).
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iv) That the Head of Planning and Economic 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

##### ELECTRIC VEHICLE CHARGING. (PERFORMANCE CONDITION)

Prior to the occupation of the development hereby approved a minimum of 9 (12%) of the 73 hotel car parking spaces shall be fitted with an electric car charging point for use by customers and staff. The electric car charging points shall thereafter be retained and made available for customers and staff to use throughout the lifetime of the development.

REASON: In the interests of encouraging a modal shift towards electric vehicles for both air quality and sustainability/environmental reasons as supported by Core Strategy Policy CS20 (Amended 2015).

33. **PLANNING APPLICATION - 21/01193/FUL - 52-54 WATERLOO ROAD**

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.

Re-development of the site to create a part two-storey and part three-storey building containing 8 flats (4 x one-bedroom, 4 x two-bedroom) with associated cycle, refuse and parking.

Steve Lawrence (agent), and Councillor Shields (ward councillor were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the landscaping condition needed to be amended to include measures to prevent surface water runoff, from parking area, from flowing onto the public highway, as set out below.

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 carried unanimously.

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Head of Planning and Economic Development 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 (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) 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. 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).
  - d. An obligation to preclude future residents being issued with car parking permits.

- e. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (March 2006), CS22 of the Core Strategy and the Planning Obligations SPD (September 2013).
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iv) That the Head of Planning and Economic 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 / AMENDED CONDITION

##### 05. LANDSCAPING, LIGHTING & MEANS OF ENCLOSURE DETAILED PLAN [PRE-COMMENCEMENT CONDITION]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- (i) proposed finished ground levels or contours; means of enclosure; car parking layouts, including details of measures used to prevent surface water runoff from flowing from the parking area onto the public highway; vehicle and pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (lighting columns etc.);
- (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (iii) an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- (iv) details of any proposed boundary treatment, including retaining walls; and
- (v) a landscape management scheme.

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.

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 5 years following its complete provision.

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.

34. **PLANNING APPLICATION - 21/01199/FUL - COLLEGE STREET CAR PARK**

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.

Installation of storage containers for retail and food and drink use, shared office workspace and studio space for artists, with associated events space for a temporary period of 10 years (Amendment to planning permission ref 20/00173/FUL with the temporary period increased from 5 to 10 years)

Dr Butler, Mr Winter, Mr Reynier (local residents / objecting), and Mr Sanger (agent), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the Cycle Parking condition would require amending, as set out below.

**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 CONDITION**

13. CYCLE PARKING (PERFORMANCE CONDITION)

Before the development hereby approved first comes into occupation, the storage for a minimum of 22 bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved. REASON: To encourage cycling as an alternative form of transport.

35. **PLANNING APPLICATION - 21/01261/FUL - 25 GLASSLAW 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.

Erection of a two-storey side extension and single-storey rear extension (resubmission of 21/00755/FUL).

Chris Bainbridge (agent), and Dean Tyler (applicant) were present and with the consent of the Chair, addressed the meeting.

The Panel then considered the recommendation to grant conditional planning permission. 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

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