
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 10 DECEMBER 2019

Present: Councillors Savage (Chair), Coombs, G Galton, Windle, Fielker and Prior

Apologies: Councillors Mitchell, L Harris and Vaughan

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

It was noted that following receipt of the temporary resignation of Councillors Mitchell and Vaughan from the Panel, the Service Director Legal and Governance acting under delegated powers, had appointed Councillors Fielker and Prior to replace them for the purposes of this meeting and noted the apologies of Councillor L Harris.

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

RESOLVED: that the minutes for the Panel meeting on 12 November 2019 be approved and signed as a correct record.

40. **PLANNING APPLICATION -19/00726/FUL - COMPASS HOUSE, ROMSEY 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 to create a three-storey hotel containing 73 rooms with associated works including 34 car parking spaces (amended description following amended plans).

Simon Reynier (City of Southampton Society/ objecting), Chris Brady, Chris Slack (Agents) and Councillors Whitbread and Spicer (Ward Councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer noted that the description of the report should have stated that there were 34 parking space proposed. The presenting officer also made some amendments to the proposed conditions including a restriction on the hotel bar limiting its use to residents after 11:00pm and the provision of a taxi drop off at the hotel.

In addition it was noted that the report had been deferred at a previous meeting to enable further investigation into parking availability. It was explained that an updated parking survey had been produced and that the report had detailed the analysis of the developer's new parking survey. It was also noted that 2 Ward Councillors had submitted objections since the publication of the report.

The Panel expressed a concern that staff parking especially for those worker that might be working antisocial hours would be required considering the limited number of spaces proposed. Officers agreed that an additional condition to govern this would be added should permission be granted. Members also expressed a view that the lack of parking on site would effect the surrounding area because of the location of the hotel.

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: Infrastructure, Planning and Development to grant planning permission. Upon being put to the vote the recommendation was lost unanimously.

A further motion to refuse planning permission for the reasons set out below was then proposed by Councillor G Galton and seconded by Councillor Windle. 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 3 of the report.
- (ii) refused planning permission for the reasons set out below:

Reasons for Refusal

- (i) As a direct consequence of the location of the proposed hotel; which is outside of a City, Town, District or Local Centre and the Council's defined area of 'high accessibility'; and based on the information submitted, including the number of car parking spaces proposed on site, the number of bedrooms proposed and a parking stress survey that includes a wide catchment, parking spaces that are unlikely to be available and no response to how overspill into the neighbouring private estate will be managed it has not been adequately demonstrated that the parking demand of the development would not cause harm to the amenity of nearby residential neighbours through increased competition for existing on-street car parking. The development would, therefore, be contrary to the provisions of Policy SDP1(i) of the adopted City of Southampton Local Plan Review (2015), Policy CS19 of the adopted Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).
- (ii) 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:-
 - a. 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);
 - b. A (pre and post construction) highway condition survey has not been secured and therefore there is no mechanism to secure appropriate repairs to the highway, caused during the construction phase, which would be to the detriment of the visual appearance and usability of the local highway network;
 - c. A Training & Employment Management Plan committing to adopting local labour and employment initiatives has not been secured 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. The submission and implementation of a staff & customer travel plan has not been secured to support strategic transport initiatives including those within the Local Transport Plan.
 - e. 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) has not been secured;
 - f. The submission and implementation of a Waste Management Plan has not been secured to ensure suitable arrangements are made to manage waste generated from the site.
 - g. The submission and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy has not been secured;
 - h. In the absence of an alternative arrangement the lack of a financial contributions towards footpath improvements in the Shoreburs and Weston Greenways and Peartree Green Local Nature Reserve (£2,346.57); and financial contributions towards the New Forest National Park Authority Habitat Mitigation Scheme £9,586.64; or financial contributions towards the Solent Disturbance Mitigation Project (SDMP) (Solent Recreation Mitigation Partnership) (£11,764) the application fails to accord with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (Amended 2015), CS22 of the Core Strategy (Amended 2015) and the Planning Obligations SPD (September 2013) as supported by the current Habitats Regulations and the Council, as the competent authority, cannot conclude that significant adverse effects will not arise from this development on European sites.

41. **PLANNING APPLICATION - 19/01261/FUL- LAND TO THE REAR OF THE BROADWAY**

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.

Use of building as a food court with cafe, bars and takeaway (flexible mixed use comprising classes A1, A3, A4 and A5) with ancillary soft play area, office and storage and kitchen extraction flue.

Simon Reynier (City of Southampton Society / objecting) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported changes to Conditions 2 and 5 of the report and that a further condition requiring the details of the access surfacing be added, as set out below.

Following discussion with members, officers recommended additional conditions designed to secure a gated access to the site and requiring the developer to undertake a feasibility study of incorporating the sustainable design measures into the development, 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, Coombs Fielker, Prior and Windle
AGAINST: Councillor G Galton

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 Conditions

02. APPROVAL CONDITION - Hours of Use - food/drink establishments
[Performance Condition]

The premises shall be used as a food court with ancillary cafe, bars, takeaway, soft play area and office and storage only and for no other purposes without the prior written consent of the Local Planning Authority. The food court hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

- Monday to Friday 08:00 to 22:00
- Saturday 10:00 to 22:00
- Sunday and Public Holidays 10:00 to 22:00

REASON:

To protect the amenities of the occupiers of existing nearby residential properties and to define the consent

05. APPROVAL CONDITION – Servicing and deliveries management plan [Pre-Occupation Condition]

Prior to the commencement of the development hereby approved a servicing and deliveries management plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be carried out in full accordance with the approved servicing management plan.

Unless otherwise agreed in writing with the Local Planning Authority no servicing from the site access shall take place outside the hours of 07:00am to 08:00am Monday to Friday and 07:00am to 10:00am Saturday, Sunday and Public Holidays. Any vehicles servicing the site during these hours shall reverse into the access from Portswood Road and shall exit the site in a forward gear.

No vehicles including takeaway delivery vehicles shall park within the site access during the trading hours as set out within condition 02 of this planning permission. Notwithstanding the plans hereby approved the loading bay on Portswood Road, as shown on the submitted site plan, is not approved.

REASON: To protect the amenities and privacy of occupiers of the adjoining properties, to protect the highway surface and in the interests of highways safety.

Additional Conditions

Sustainable measures (Pre-Commencement)

No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report assessing the feasibility of incorporating the following sustainable design measures into the development:

- Energy minimisation and renewable energy or low carbon technologies
- Water efficiency measures
- Waste management and recycling
- Sustainable construction materials

The report shall include an action plan detailing how these measures will be integrated into the development. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

REASON: To ensure the development minimises overall demand for resources and is compliant with the Core Strategy Development Plan Document (January 2010) policy CS20 and the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6.

Access surfacing (Pre-Commencement)

Prior to the commencement of development details of the surfacing treatment to the access route, as shown on the submitted site plan, shall be submitted to the Local Planning Authority and agreed in writing. The agreed surfacing treatment shall be installed as agreed prior to the first use of the building for its approved use and thereafter retained.

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.

Gated access (Pre-commencement)

Prior to the commencement of development details of secure gated access to the external access route within the site shall be submitted to the Local Planning Authority and agreed in writing. The security gates shall be installed as agreed prior to the first use of the building for its approved use and thereafter retained. Unless otherwise agreed in writing with the Local Planning Authority the gates shall be closed between the hours of 22:00 and 07:00 and designed not to restrict access for users of the side door serving 1 The Broadway.

REASON: In the interests of safety and security.

42. PLANNING APPLICATION - 19/01378/FUL - CQ - EMPLOYMENT SITE

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.

Application for variation of condition 3 of planning permission ref 16/01108/FUL to allow industrial building to be used for purposes falling within classes B1 and B2 (not restricted to marine related activities - Major Environmental Impact Assessment Development).

Simon Reynier (City of Southampton Society / Objecting), Neil Holmes (agent) and Councillor Payne (Ward Councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the Habitats Regulation Assessment had now been received and circulated to the Panel. The Panel were informed that the applicant had confirmed and paid the Employment and Skills contribution and that a palisade fence had been installed due to security concerns.

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: Infrastructure, Planning and 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.
- (ii) Delegated authority to the Service Lead - Infrastructure, Planning & Development to grant conditional planning permission subject to the completion of a S.106 Legal Deed of Variation to secure the outstanding matters from the 16/01108/FUL s.106 legal agreement.
- (iii) 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 – Planning, Infrastructure and Development be delegated authority 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.
- (iv) That the Service Lead – Planning, Infrastructure and Development be delegated authority to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.