
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 9 JULY 2024

Present: Councillors Windle (Chair), Greenhalgh (accept for agenda items 6 & 7) (Vice-Chair), Beaurain, Cox, Mrs Blatchford and G Lambert

Apologies: Councillor Wood

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

It was noted that following receipt of the temporary resignation of Councillor G Lambert from the Panel the Service Director Legal and Business Operations acting under delegated powers, had appointed Councillor Kenny to replace them for the purposes of this meeting. In addition the Panel noted the Apologies of Councillor Wood.

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

RESOLVED: that the minutes for the Panel meeting on 20 February, 12 March, 16 April and 4 June 2024 be approved and signed as a correct record.

9. **PLANNING APPLICATION - 24/00233/FUL - 34-35 HIGH STREET (DOLPHIN HOTEL)**

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 authority be delegated to the Head of Transport and Planning to grant planning permission subject to the criteria listed in the report.

Change of use from an hotel (Class C1) to fully catered student accommodation (Sui Generis) with up to 99 bedrooms and associated spaces (no external/internal alterations)

Ros Cassy, Simon Reyneir and Norma Mackey (local residents/ objecting), Sarah Beauden (agent), John Steven (applicant), and Councillor Bogle (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer that the paragraph 7.3 of the report needed to amended and the following wording be added to it:

“When assessing the application, the Council has a duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses as set out in the NPPF. This needs to be weighed against public benefits that have been set out in section 6 of the report such bringing the site back into use and providing an element of public access. Overall, the Council has had regard to the above and has deemed the benefit outweighs the harm in this case.”

In addition the Presenting Officer explained that a number conditions would need to be amended and that recommendation 2 (ii) would also needed to amended as set out below. The Panel also requested that highways team be advised of the importance of discussing the design and location of any replacement bus shelter with the Historic

Environment team due to the sensitive location and the setting of this Grade II* listed building.

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

The Panel then considered the 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). Upon being put to the vote the recommendations (as amended) were unanimously carried.

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; any additional or amended conditions or planning obligations set out below; and the completion of a S.106 Legal Agreement to secure:
 - I. The completion of a S.106 Legal agreement to secure 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, namely an enhanced bus shelter (**including real time information display**) to the front of the site to accommodate an increase in usage by students, 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);
 - II. The submission of plans for the cycle and refuse storage prior to planning permission being granted.
3. That authority be delegated to 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 the legal agreement is not completed 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 the provisions of the Section 106 Legal Agreement.

Amended Conditions

3. **Student occupation restriction (Performance)**

Within term times, the development hereby approved shall only be occupied by persons on a course of higher education on a full-time basis at a University, Institute or other comparable educational establishment. Outside recognised University term times, occupation by non-students is acceptable but must be undertaken in a manner that does not harm the residential amenities of the existing occupiers in accordance with details that shall have been agreed in writing with the Local Planning Authority ahead of any occupation by non-students.

REASON: In the interests of ensuring that a mix of student and non-student occupants doesn't give rise to other residential amenity issues, to improve the

viability of the development in the interests of the ongoing longevity of the listed building, to maintain a tourist offer (if required) and to ensure that controlled public access to the building is maintained.

8. Hours of Use by General Public (Performance)

The ground floor areas open to the general public, agreed pursuant to condition 7 above,
shall not take place outside of the following hours:
Monday to Sunday 10:30 to 16:30

The first-floor areas open to the general public shall be pre-arranged visits, agreed pursuant to condition 7 above, and shall not take place outside the above times.

REASON: In the interests of residential amenity.

9 Student Management Plan (Pre-Occupation)

Before the development hereby approved first comes into occupation details of how the students will be managed (including an onsite management presence and catering facilities) on a day-to-day basis, including restrictions to prevent students parking in the blue line area set out in the approved location plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed Plan shall be in place before the relevant site is first occupied and shall thereafter be implemented as approved.

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.

17. Hours of work for Development Works (Performance)

All works relating to the implementation-of the development hereby granted shall only take place between the hours of:
Monday to Friday 08:00 to 18:00 hours
Saturdays 09:00 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.

19. Window specification feasibility study (Pre-Commencement)

Prior to the commencement of the development hereby approved, a detailed feasibility study for the installation of secondary glazing only (and not double glazing or any other forms of insulation) to those existing windows fronting the High Street, and on the basis that the units would be installed without disrupting the integrity or opening mechanisms of the existing windows, and that they

would be fully reversible, shall be submitted to and approved in writing by the Local Planning Authority alongside the requisite application for Listed Building Consent (where required).

If the approved feasibility study demonstrates secondary glazing can be accommodated within the development, before the development first comes into occupation, the secondary glazing shall be completed in accordance with a specification and detailed plan (scale 1:20) to be first submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the amenities of future occupiers and to protect the operation of existing businesses. The implementation of secondary glazing will enable the proposed change of use to mitigate against the impact of noise and other potential nuisances arising from existing development in line with the agent of change principle set out in the NPPF to protect local businesses.

10. **PLANNING APPLICATION - 24/00040/FUL - 20-22 QUEENS TERRACE (HAVELOCK)**

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 delegated to the Head of Transport and Planning to grant planning permission subject to the criteria listed in the report.

Erection of a 6th floor extension for 2 penthouses (2 x 2-bedroom)

Nail Kacey(local residents/ objecting), and Bob Hull (agent), were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted that statements had been received from Lorraine Lakh, Phillip Drake, Dr Doherty , Radu-Daniel Voit and Maria Mihaela Gherda, circulated, read and posted online.

The presenting officer reported that paragraph 6.11 should have made reference to one bicycle and not two. The report paragraph needed 7.3 needed amending to and the following be added it:

“When assessing the application, the Council has a duty to ensure special attention is paid to the desirability of preserving or enhancing the character or appearance of that area as set out in the NPPF. No objection has been raised by the Council’s Historic Environment officer nor the previous Planning Inspector on this basis. This duty needs to be balanced against the benefits of the scheme and in this case the provision of two units outweighs the harm in this case.”

During the debate on the application for the 2 flats it was clear that the situation in regard to the buildings waste and cycle storage had never been satisfactorily resolved. Officers proposed that the recommendation be amended along with an additional condition should be added to address this matter, 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 unanimously.

RESOLVED

5. To confirm the Habitats Regulation Assessment set out in Appendix 1 of the report.
6. That authority be delegated to the Head of Transport and Planning to grant planning permission to the planning conditions recommended at the end of this report and the completion of a S.106 or S.111 Legal Agreement to secure
 - I. 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; and
 - II. Receipt of satisfactory amended plans within one month of the Panel meeting date showing a revised communal cycle store to a metric scale showing useable Sheffield style hoops for use by all residents (existing and proposed). The approved cycle storage shall be implemented prior to the first occupation of the development hereby approved (if not before) and shall be retained for the lifetime of the development. In the event that the amended plan is not submitted delegation is given to refuse the application for not providing residents with an acceptable cycle storage solution to the detriment of promoting alternative modes of travel to the private car.
7. That the Head of Transport and Planning be given delegated powers to add, vary and/or delete relevant parts of the Section 111/106 agreement and/or conditions as necessary.
8. In the event that the legal agreement is not completed 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 the provisions of the Section 106 Legal Agreement.

Additional Recommendation

Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation, the ground floor storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved for the lifetime of the development.

REASON: To encourage cycling as an alternative form of transport.

11. **PLANNING APPLICATION - 22/00122/FUL - 37 LONDON 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 delegated to the Head of Transport and Planning to grant planning permission subject to the criteria listed in the report.

Continued implementation of planning permission 13/01284/FUL not in accordance with condition 3. Variation to condition 3 (hours of use) to vary the opening hours to 11:00 to

midnight (11:00 to 00:00 hours) Monday to Sunday - *Description amended to reduce extended hours from 03:00 am close to 00:00 midnight close.*

The Panel then considered recommendations that the application that authority be delegated to the Head of Transport and Planning to grant planning permission subject to criteria listed in the report. Upon being put to the vote the recommendations were carried unanimously.

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 to secure the provision of a financial contribution towards late night Community Safety Initiatives within the City Centre, having regard to the late night uses within the application proposal and in accordance with policy AP8 of the City Centre Action Plan as supported by the Planning Obligations SPD.
2. In the event that the legal agreement is not completed 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 the provisions of the Section 106 Legal Agreement.