
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 2 NOVEMBER 2021

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

Apologies: Councillors Vaughan

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

It was noted that following receipt of the temporary resignation of Councillor Vaughan from the Panel, the Service Director, Legal and Business Operations acting under delegated powers, had appointed Councillor Laurent to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meeting on 12 October 2021 be approved and signed as a correct record.

38. **PLANNING APPLICATION - 21/00915/FUL - FORMER FORDS, WIDE LANE**

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 erect four industrial units with associated parking (flexible use Class E (g)(iii), B2 (General Industrial) and/B8 (Storage or distribution)) following demolition of the existing buildings.

Alan Matlock, David Key and Julian Temple (local residents/ objecting), James Hicks (agent), and Councillor Fielker (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition the Panel acknowledged the submission of further information from both Alan Matlock and David Key and noted that this had been posted online.

The presenting officer reported that the Public Art clause in the proposed S106 agreement needed to be removed as the new commercial floor space was below the threshold targets with planning obligations. It was noted that reference to building recording as mitigation within the Reason for granting permission and at paragraphs 5.8 and 7.1 should be amended and changed to confirm that building recording is record evidence of the past but is not a determining factor in the loss of this non-designated heritage asset. Additionally the presenting officer noted that the reason for granting permission also needed to be adjusted to reflect the low degree of significance attached to the building in heritage terms, as set out below.

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.

RECORDED VOTE to grant planning permission.

FOR: Councillors L Harris, Prior, Coombs, Laurent, Magee, Windle

AGAINST: Councillor Savage

RESOLVED that the Panel:

1. Delegated authority to the Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report to grant conditional planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - a. Either a s.278 Agreement to undertake agreed works within the highway or a financial contribution and other highway obligations, including Traffic Regulation Orders, where necessary, towards site specific transport improvements in the vicinity of the site in line with policies SDP4 and TI2 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 include: Contributions toward bus priority within the traffic signals at Wide Lane, to mitigate the impact on capacity to what is a high frequency bus route to the University and City Centre; and contribution toward low-level cycle lights, dropped kerbs and Advanced Stop Line on the Mountpark exit arm to improve overall and in particular cycle safety.
 - b. An off-site contribution towards sustainable travel improvements on Hampshire County Council Road network, within the vicinity of the site. Contribution towards the design and improvement works at Spitfire Roundabout, Wide Lane Bridge and Wide Lane/A335 Roundabout, in line with policies SDP4 and TI2 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);
 - 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. 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);
 - e. 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);
 - f. Submission and implementation of a Construction Traffic Management Plan;
 - g. Submission and implementation of an Operational Phase Lorry Routing Agreement to limit HGV traffic turning left out of the site; and
 - h. Submission and implementation of a Staff Travel Plan.

2. Delegated authority to the Head of Planning and Economic Development be given powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
3. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Reason for granting Permission (Amended wording)

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The loss of the utilitarian Flight Shed as a non-designated heritage asset would represent 'less than substantial harm' due to the low degree of significance attached to the building in heritage terms. Mitigation for the loss of this non-designated heritage asset has been secured with heritage interpretation boards to be installed. The development will bring this vacant site back into use and would accord with the site employment allocation and would be in keeping with the character and appearance of the adjacent Mountpark. Furthermore it has been demonstrated that the development will not have an adverse impact on highway safety or in terms of capacity within the surrounding highway network. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021).

39. **PLANNING APPLICATION - 20/00182/FUL - 289 SHIRLEY 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.

Change of use to Sui Generis (Drinking establishment). Erection of decking and balustrading to the front and lean to side extension (Retrospective)

Greg Clerk (local residents objecting), Attal Mihanpoor (applicant) and Councillor Shields (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting. In addition, the Panel acknowledged the submission of Statements from both Martyn Biffin and Cevin Vibert and noted that this had been posted online.

The presenting officer reported further consultation responses from Hampshire Constabulary, City Council Licensing and Environmental Health departments had been received and that as a result a further condition: to remove the picnic tables located on the area of land on the applicant's land and the Lumsden Road pavement would be required as set out below.

The Panel expressed concern over the potential of outdoor noise and queried whether the restriction on outdoor noise sources included the lean-to extension. Officers confirmed that it did, however for completeness Condition 5 has been updated as below

In addition, the Panel discussed the need for the property to have a boundary treatment condition that would restrict access to the bar from Lumsden Avenue. Upon being put to the vote the Panel unanimously agreed to delegate to officers to agree a satisfactory boundary treatment that would restrict access and prevent potential public order issues by spilling onto the public highway, as set out below.

The Panel then considered the recommendation with the amended and additional conditions to grant 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 and any additional or amended conditions set out below:

5. NO SOUND AMPLIFICATION SYSTEMS

No sound amplification systems that is audible from outside the building (including the lean to extension) shall be operated unless a noise assessment has been submitted to and approved by the Local Planning Authority, and any noise mitigation measures required have been installed in accordance with the approved details. Any such mitigation shall be installed within a timeframe first agreed by the Local Planning Authority and retained thereafter for the lifetime of the development

REASON: To ensure the amenities of nearby residents and businesses are not harmed.

6. REMOVAL OF PICNIC TABLES AND ADDITION BOUNDARY TREATMENT – Additional Submissions Required

Within one month from the date of this consent the picnic tables located on the applicant's land between the pavement of Lumsden Avenue and the side shelter hereby approved shall be removed from the site in accordance with amended plan ref 'Rios – Rev B' received 01/11/2021. The applicant's land between the pavement of Lumsden Avenue and the side shelter hereby approved shall, thereafter, be kept free from seating for the lifetime of the development.

Furthermore, details of a new boundary treatment to the back of Lumsden Avenue pavement shall be submitted in writing to the Local Planning Authority within one month from the date of this decision notice. The submission shall include details of design, materials, height, landscaping and construction. Once approved in writing by the Local Planning Authority the new boundary treatment shall be installed within one month of that approval and shall thereafter be retained in accordance with approved details. Once approved no additional fencing shall be erected.

REASON: In the interests of visual amenity, neighbour amenity and preventing anti-social behaviour; whilst limiting the ability for noise and disturbance arising and spilling onto the public highway by users of the open land between the building and Lumsden Avenue itself.

