
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 10 JANUARY 2017

Present: Councillors Denness (Chair), Coombs (Vice-Chair), Barnes-Andrews, Claisse, L Harris, Hecks and Mintoff

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

RESOLVED: that the minutes for the Panel meeting on 6 December 2017 be approved and signed as a correct record.

56. **PLANNING APPLICATION - 16/01303/FUL - BARGATE CENTRE**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Demolition of existing buildings (Bargate Shopping Centre and multi-storey car park; 77-101 Queensway; 25 East Street; 30-32 Hanover Buildings; 1-16 East Bargate; and 1-4 High Street, excluding the frontage); refurbishment of basements and mixed use development comprising 152 flats (63 x one bedroom and 89 x two bedroom) (Use Class C3); 185 units of student residential accommodation (451 bedrooms); retail use (Class A1); flexible retail, office or food and drink use (Classes A1-A3); in new buildings ranging in height from 4-storeys to 9-storeys; with associated parking and servicing, landscaping and public realm (Environmental Impact Assessment Development affects a public right of way and the setting of the listed Town Walls) - description amended following validation to confirm works to existing rights of way - further changes to the proposed heights along Queensway submitted 30/11/16.

Simon Reynier (City of Southampton Society), Graham Linecar (Southampton Commons and Parks Protection Society) James Burchell (applicant), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the Department of Transport had confirmed that they would undertake the proposed stopping up works would be undertaken by them. It was noted that as a result the recommendation would be amended removing clause 2 of the published recommendation. The presenting officer also reported the support of Ward Councillors for the proposal. In response to questioning by the Panel it was noted that an additional informative be added to condition 49 seeking amendments to refuse stores located to the walls. Upon being put to the vote the Habitats Regulations Assessment was carried unanimously.

RECORDED VOTE to grant planning permission

FOR: Councillors Barnes-Andrews, Claisse, Coombs, Denness, L Harris and Hecks

ABSTAINED: Councillor Mintoff

RESOLVED

- (i) That the Panel confirmed the Habitats Regulations Assessment (HRA) in Appendix 1 to the report to enable the planning application to be determined;
- (ii) That the Panel delegated to the Service Lead – Planning, Infrastructure and Development authority to grant conditional planning permission subject to receipt of satisfactory amended plans showing:
 - a. a revised access and tracking of The Strand’s new access (as suggested by the TMS Safety Audit (email addendum) dated 9th December 2016)
 - b. a larger lift serving the basement cycle stores from the ground floor, and
 - c. the completion of a S.106 Legal Agreement to secure the following:
 - 1. Financial contributions and/or works through s.278 approvals towards site specific transport improvements in the vicinity of the site, including (but not limited to) the new access and layout arrangements to the site from The Strand (as recommended by the TMS Safety Audit (email addendum) dated 9th December 2016) and Queensway, the re-provision of existing Pay & Display parking and taxi ranks, the installation of off-site short stay ‘Sheffield’ style cycle parking, a contribution towards upgrading ‘Legible Cities’ signage, and any associated Traffic Regulation Orders (TROs) necessary for the implementation of the development, in line with Policy SDP4 of the City of Southampton Local Plan Review (2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (2015) and the adopted SPD relating to ‘Developer Contributions’ (September 2013). The development will not be brought into use until these works have been provided;
 - 2. Submission, approval and implementation of a site-relevant Town Walls Interpretation and Public Art Strategy in accordance with the Council’s Public Art Strategy, and the adopted SPD relating to ‘Developer Contributions’ (September 2013), including either the provision of, or a contribution towards, works along the line of the missing Town Walls between the Bargate and the site and south from Polymond Tower within the red line, adjacent town wall improvements/maintenance and the provision of lift access (or equivalent) to the first floor of the Bargate monument itself;
 - 3. 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;
 - 4. In lieu of an affordable housing contribution from the student residential blocks an undertaking by the developer that only students in full time higher education be permitted to occupy the identified blocks and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) (or equivalent) in accordance with Local Plan Policy H13(v). Flexibility to be provided for temporary short-term non-student accommodation outside of term times;
 - 5. Submission, approval and implementation of a ‘Student Intake Management Plan’ to regulate arrangements at the beginning and end of the academic year;

6. Submission, approval and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives for both the construction and operational phases in line with LDF Core Strategy policies CS24 and CS25 and the adopted SPD relating to 'Developer Contributions' (September 2013);
 7. Submission, approval and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives for both the construction and operational phases in line with LDF Core Strategy policies CS24 and CS25 and the adopted SPD relating to 'Developer Contributions' (September 2013);
 8. Submission, approval and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives for both the construction and operational phases in line with LDF Core Strategy policies CS24 and CS25 and the adopted SPD relating to 'Developer Contributions' (September 2013);
 9. Submission, approval and implementation of a Travel Plan for both the commercial and student residential uses;
 10. Submission, approval and implementation of a Car Park Management Plan to ensure that the public car parking is provided and retained with daily charges to at least match the minimum daily charge of the prevailing Council car parking charges;
 11. Submission, approval and implementation of a Travel Plan for both the commercial and student residential uses;
 12. Submission, approval and implementation of a Construction Traffic Management Plan indicating off-site routes to be used by associated construction traffic;
 13. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved policy SDP12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013);
 14. 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);
 15. The creation of a 'permitted route' through the development for use by pedestrians and cyclists between the Bargate frontage of the development and Queensway.
- (iii) That the Planning Panel support officer's recommendations to the Council's Capital Board that the Community Infrastructure Levy (CIL) monies collected from this development are allocated to support infrastructure improvements in the vicinity of the site with particular focus on the local heritage assets and the potential by the Council to secure additional funding through a bid to the Heritage Lottery Fund;
- (iv) That the Service Lead – Planning, Infrastructure and Development be given delegated powers to delete, vary or add relevant parts of the Section 106

agreement and to delete, vary or add planning conditions as necessary as a result of further negotiations with the applicant; and

(v) In the event that both:

- a. the amendments to The Strand access and lift access to the cycle store have not been submitted and agreed with the Local Planning Authority, and
- b. the s.106 legal agreement, have not been completed within 6 months of the Panel date

the Service Lead – Planning, Infrastructure and Development be authorised to refuse permission on the grounds of highway safety impacts and/or the failure to secure the provisions and mitigation of the s.106 Legal Agreement.

57. **PLANNING APPLICATION - 16/01605/FUL - FORMER OASIS ANNEXE MAYFIELD, PORCHESTER ROAD, SOUTHAMPTON**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site. Demolition of existing building and construction of 15 x two-storey houses (10 x three bed and 5 x four bed), a part two-story part three-storey block of 35 apartments (9 x one bed and 26 x two bed) with associated parking and formation of public open space.

Mark Sabanathan and Colin Baker (local residents/ objecting), and Councillor Hammond (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel requested that the presenting officer seek to include a further condition relating to the provision of an Electric Vehicle charging points within the development.

RECORDED VOTE to grant planning permission

FOR: Councillors Barnes-Andrews, Claisse, Coombs, Denness and Hecks

ABSTAINED: Councillors L Harris and Mintoff

RESOLVED

- (i) Delegated authority to the Service Lead, Planning, Infrastructure and Development to grant planning permission, subject to the planning conditions set out within the report, and the additional condition, listed below, and the completion of a S.106 Legal Agreement to secure:
 - a. Financial contributions and/or s.278 works towards site-specific transport contributions for highway improvements in the vicinity of the site (including local footpaths) with any associated Traffic Regulation Orders, 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 with the adopted SPD relating to Planning Obligations (September 2013).
- b. 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.
 - c. Provision of affordable housing, in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015), and with the adopted SPD relating to Planning Obligations (September 2013).
 - d. Financial contributions towards an employment and skills delivery of agreed actions by the Council identified within the Employment & Skills Plan and the submission of an employment and skills plan 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).
 - 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. Financial contributions 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.
 - g. Financial contributions to tree replacement off-site and the submission of a tree replacement plan.
- (ii) In the event that the legal agreement is not completed within three months of the decision of the Planning and Rights of Way Panel, 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.
 - (iii) That the Service Lead, Planning, Infrastructure and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. 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, then a report will be bought back to the Planning and Rights of Way Panel for further consideration of the planning application.

Additional condition

35. Electric Vehicle (EV) charging points

No development shall commence until details of the provision of at least one Electric Vehicle (EV) "rapid charge" point for the development are submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented unless otherwise agreed in writing by the Local planning Authority.

REASON: In the interests of improving air quality within the City and mitigating the scheme's direct impacts in accordance with Local Plan Policy SDP15.

58. **PLANNING APPLICATION - 16/01903/FUL - 9 BASSETT GREEN DRIVE**

The Panel considered the report of the Service Head, Planning, Infrastructure and Development Manager recommending that authority to grant conditional approval in respect of the application for a proposed development at the above address.

First floor and two storey rear extension with associated alterations to form enlarged dwelling. Resubmission of 16/01352/FUL.

Mr A Darlington, and Mrs A Percival (local residents/ objecting), Mr and Mrs Toor (applicant), Mr G Ash (architect), and Councillor B Harris (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

Upon being put to the vote the Officer recommendation to grant conditional planning permission was lost. A further vote to refuse the application subject to the reasons set out below was proposed by Councillor L Harris and seconded by Councillor Hecks.

RECORDED VOTE to refuse planning permission

FOR: Councillors Claisse, Denness, L Harris and Hecks

AGAINST: Councillors Barnes-Andrews and Coombs

ABSTAINED: Councillor Mintoff

RESOLVED that conditional planning permission be refused for the reasons set out below.

Reasons for Refusal:

Design: The scheme fails to take account of the existing character of the surrounding area and the design does not complement the street scene with particular reference to the scale, building to boundary spacing, massing and height in relation to neighbouring properties. The scheme therefore fails to take the opportunity to respond to local character and reflect the identity of local surrounding. The development would also fail to promote or reinforce local distinctiveness or create a strong sense of place. As such the proposal constitutes poor design contrary to paragraphs 17, 58, 60, 64 of the NPPF, policies SDP1 (i), (as supported by paragraphs 3.1.2, 3.5.1, 3.8.6, 3.6.10, 3.7.5, 3.9.5, 3.10.2, 3.10.4, 3.10.6 and 3.13.1 of the adopted Residential Design Guide Supplementary Planning Document 2006), SDP7 (vi) and (v) and SDP9 (i), (iii), (iv) and (v) of the Amended Local Plan Review (2015), Policy CS13 of the amended Local Development Framework Core Strategy Development Plan Document (2015) and policies BAS1 and BAS4 of the adopted Bassett Neighbourhood Plan (June 2015).

59. **PLANNING APPLICATION - 16/01698/FUL - EASY GYM, SHIRLEY ROAD**

The Panel considered the report of the Service Head, Planning, Infrastructure and Development Manager recommending that authority to grant conditional approval in respect of the application for a proposed development at the above address.

Application for removal of condition 2 of planning permission Ref 980772/2683/W to allow 24 hours a day.

Councillor Furnell (ward councillor objecting) was present and with the consent of the Chair, addressed the meeting.

The Panel requested that a condition limiting the use of amplified music in line with original planning permission conditions be added to the current application. In addition the Panel requested that a condition relating to light spill be added and the presenting officer added an additional condition relating to classes in the additional extended hour.

RECORDED VOTE to grant planning permission

FOR: Councillors Barnes-Andrews, Claisse, Coombs, L Harris,
and Hecks

AGAINST: Councillors Denness and Mintoff

RESOLVED that planning permission be granted subject to the conditions in the report and the amended / additional conditions set out below.

Additional / Amended conditions

CONDITION 3 - NO AMPLIFIED MUSIC

Before 08.30 and after 21.00 there shall be no amplified sound or music in association with the gym use.

REASON: To protect the amenity of the neighbouring residential properties from noise disturbance.

CONDITION 4 - LIGHT SPILL

Prior to commencing the extension of the hours hereby approved, a specification shall be submitted to and agreed in writing with the Local Planning Authority to tint or black out the first floor window on the south east elevation. The agreed specification shall be installed in accordance with the agreed details prior to the extension of hours commencing and thereafter retained.

REASON: To protect the amenity of the neighbouring residential properties from light spill during the night time hours.

CONDITION 5 - CLASSES

There shall be no classes in association with the gym held during the extended hours hereby permitted.

REASON: To protect the amenity of the neighbouring residential properties from noise disturbance.

60. **PLANNING AND RIGHTS OF WAY PROCEDURES**

The Panel considered the report of the Service Director, Legal and Governance seeking to clarify and update the protocols and procedures for the Planning and Rights of Way Panel.

RESOLVED that the Panel approved the meeting protocol and site visit procedure.