
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 6 OCTOBER 2020

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

Apologies: Councillors Vaughan

22. **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 Governance acting under delegated powers, had appointed Councillor Bell to replace them for the purposes of this meeting.

23. **PLANNING APPLICATION - 18/01227/FUL - PORTSMOUTH ROAD TENNIS COURTS**

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.

Erection of 2 x 3 bed semi-detached houses and 1 x 3 bed detached bungalow with associated parking and cycle/refuse storage (Departure from Local Plan).

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

The presenting officer reported that requirement to amend the condition relating to access to the site, as set out below. In addition the Panel requested that signage is installed to highlight and direct the public to the approved public open space. Officers amended the condition as set out below to undertake this requirement.

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 in Appendix 1 of this report.
- (ii) Delegated authority to the Head of Planning & Economic Development 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:
 - a. Public open space obligation to secure the submission of a management plan and retention of the open space proposed in line with Policy CS21 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - b. 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) Authority be delegated to the Head of Planning & Economic Development to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. 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.

Amended condition

1. Accessway and sightline details (Pre-Commencement)

Prior to the commencement of the development hereby approved a detailed specification which incorporates the following revisions shall be submitted to and approved:

- The design of the pedestrian environment to incorporate either the use of surfacing to create a high-quality shared space and/or the use of a dedicated pedestrian route;
- Details of signage to be provided to highlight and direct public to the approved public open space;
- The provision of a gradient within the access that is suitable for wheelchair users;
- Secure sufficient pedestrians sightlines and;
- Details of drainage to avoid surface water runoff onto the highway.

The works shall be implemented in accordance with the agreed details before the development first comes into occupation or the open space is first used and the measures thereafter retained as approved.

REASON: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

24. **PLANNING APPLICATION - 20/00367/FUL - 35-41 LONDON RD (BASEMENT)**

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 of basement nightclub (Sui generis use) and part of ground floor café/restaurant to gentleman's club (Sui generis use) including extended hours of operation to Monday - Saturday, 21:00 - 02:00 and Sunday 21:00 - 00.30 [Amended Description: closing hours reduced from 05:00 since validation of application]

Lauren Lines (applicant), was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the need to amend conditions to take into consideration the dual use of the premises as a gentleman's club or nightclub. In response to concerns expressed by the Panel officers agreed to amend the delivery times. Changes to the conditions are 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: Coombs, L Harris, Mitchell, Prior, Savage and Windle

ABSTAINED: Councillor Bell

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

03. Hours of Use (Performance)

The dual use (gentleman's club or nightclub) hereby approved shall not operate outside the following hours:

Monday to Saturday - 21:00 to 02:00;

Sunday and recognised public holidays - 21:00 to 00:30;

REASON: To protect the amenities of the occupiers of existing nearby residential properties.

04. Premises Management Plan (Pre-Occupation)

The dual use (gentleman's club or nightclub) hereby approved shall not commence until the following details of operational management are submitted to and approved in writing by the Local Planning Authority:

(a) refuse management including the siting of ,storage and disposal of refuse and glass.

Any external bin storage facilities should not be used and no collections shall take place between the hours of 23:00 – 07:00 everyday;

(b) method of delineating the smoking area from public spaces and maximum numbers of patrons permitted to use the smoking area at any one time;

(c) ground and lower floor doors (including the restaurant door/windows) to remain closed during the permitted business opening hours to minimise noise break out;

(d) a Closed Circuit Television (CCTV) system to be fitted within the premises with cameras deployed to provide images of the adjacent public realm with the installation of 360° mega pixel cameras, together with a system that supports the use of these cameras;

(e) deliveries and servicing to be permitted only between the hours of 07:00 - 20:00;

The approved Premises Management Plan shall be adhered to throughout the duration of the dual use hereby approved unless agreed otherwise in writing by the local planning authority.

REASON: In the interest of protecting residential amenity, crime and safety, the character of the area and highways safety.

25. **PLANNING APPLICATION - 20/00954/FUL - ITCHEN BUSINESS PARK, KENT RD**

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.

Use of land for the storage of pallets; fencing, siting of cabins and storage container. (Retrospective).

Alexander Tyrrell (applicant), was present and with the consent of the Chair, addressed the meeting. In addition a statement was submitted by a local resident Steve Cartwright which was read out at the meeting.

The Panel noted that the references to Councillor Savage in paragraphs 8.1 and 6.1 should be removed as there had been an error when editing the Panel report prior to publication. It was confirmed that Councillor Savage had not objected to the application

and had not indicated a predetermined position on the application and therefore was at liberty to sit on the Panel.

The Panel noted that the references to Councillor Savage in paragraphs 8.1 and 6.1 should be removed as there had been an error when editing the Panel report prior to publication. It was confirmed that Councillor Savage had not objected to the application and had not indicated a predetermined position on the application and therefore was at liberty to sit on the Panel.

The presenting officer reported that there were amendments to conditions 2, 3 and 5 and proposed a new condition 8 detailing the Southern Boundary landscape buffer retention. Details of condition 8 are set out below.

Conditions 3 and 5 were explored by the Panel.

The presenting officer had proposed a change to the hours of use in condition 3 to 08.00 - 17.00 Monday – Friday. After being proposed and seconded, the Panel voted on and agreed to amend the hours of use in condition 3 to 08.00 - 16.00 Monday – Friday.

The Panel noted the concerns of residents raised at the meeting in relation to the size of vehicles using Kent Road and the further proposed amendments to condition 5 (Restricted use of vehicles) given by the presenting officer during the course of the meeting were accepted as set out below.

A further condition was proposed to make the permission temporary but was not seconded and was not put to the vote.

The applicant requested a change to condition 4, which would allow loading and unloading outside of the site defined by boundary treatment. The Panel did not agree that it is reasonable to load/unload from the private access serving other sites including the Portswood Waste Water Treatment Works.

The Panel then considered the amended 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 and any additional or amended conditions set out below:

Amended and additional Conditions

2.Restricted Use [Performance Condition] – personal consent
Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details (storage associated with the business Palletmove Ltd) for the storage and distribution of pallets and associated ancillary office accommodation and not for any other purpose including the storage of any other materials or goods & not for any other use within Use Class B8 use class, without further permission from the Local Planning Authority.

REASON: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents; and to enable a further assessment should further/alternative employment uses/businesses seek to operate from this site.

3. Hours of Use [Performance Condition]

The use hereby approved shall not operate outside the following hours:

08.00 - 16.00 Monday – Friday: and

at no time on Saturdays and Sundays

REASON: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents.

5. Restricted use of vehicles with more than three axels, or articulated or exceeding 26 tonnes from servicing the site [performance condition]

No vehicles with more than 3 axels or which are articulated or which exceed 26 tonnes shall be used on the site or used to service/deliver to or from the site (including the transportation of pallets) in associated with the business operation hereby approved.

REASON: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents.

8. Southern Boundary, landscape buffer retention (Performance condition)

The landscape buffer on the southern boundary of the site within the demise of the site to which the application relates shall be retained and maintained at a height of 3 for the lifetime of the development.

REASON: In the interests of visual and audible amenity of neighbouring residential occupiers.