

---

PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 29 MARCH 2022

---

Present: Councillors Prior (Vice-Chair), Coombs, Savage, Vaughan, Windle, Laurent and J Payne

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

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

**Councillor Prior in the Chair**

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

**RESOLVED:** that the minutes for the Panel meeting on 8 March 2022 be approved and signed as a correct record.

71. **PLANNING APPLICATION - 21/01837/FUL - FORMER TOYS R US**

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.

Demolition of all existing buildings and structures and site clearance and hybrid planning permission for the redevelopment of the site for major mixed-use development comprising:

- (A) Full planning permission for the demolition of the existing building and structures; construction of 4 buildings (Blocks A, B, C and D) of between 7 and 25 storeys with Block A comprising commercial floorspace (Class E) and Blocks B, C and D comprising 603 residential units (Class C3) and ground floor commercial floorspace (Class E); together with associated access, parking, servicing, landscaping (including Sustainable Drainage Systems), amenity space, public realm and substations.
- (B) Outline planning permission for the construction of 1 building (Block E) of up to 8 storeys for flexible commercial/residential/overnight accommodation (C1/C3/Class E Uses) and/or co-living (Sui-Generis) with associated access, parking, servicing, landscaping and amenity space (all matters reserved except for access).

Simon Reynier ( City of Southampton Society) Sarah Beuden (agent), Mark Woodrow (applicant), Laurence Osborn (architect) were present and with the consent of the Chair, addressed the meeting.. the Panel noted statements from Leigh-Sara Timberlake and Colin Barnett had been received, circulated to the Panel by email and hard copy and posted online.

The presenting officer reported a number of amended conditions, as set out below. It was also noted that an additional condition relating to the commencement of the development was also required, 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 and approve the Habitats Regulations Assessment. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission.

FOR: Councillors Prior, Laurent, J Payne and Vaughan

AGAINST: Councillors Coombs, Savage and Windle

**RESOLVED** that the Panel:

- (i) Delegate to the Head of Planning & Economic Development to approve the Habitats Regulations Assessment and 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. In accordance 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 SPD relating to Planning Obligations (September 2013), financial contributions and/or works through s.278 approvals towards site specific transport improvements in the vicinity of the site including:
    - Segregated cycle route and/or bus lane (subject to design) on Western Esplanade between Central Station and Western Esplanade/Civic Centre Road junction;
    - No loading restrictions (TRO & Implementation) around site boundaries to stop loading/unloading away from designated loading bays, and loading restrictions in any provided loading bay(s);
    - Contribution to segregated cycle route, pedestrian crossing points and works to connect from site to Manchester Street (route past side of Asda);
    - 2x Enhanced Variable Messages Signs on Western Esplanade – one replacing existing adjacent to site, second on southbound approach; and Southampton Central Station Forecourt scheme and Legible Cities Wayfinding & base map update;
    - Provision of on-site hub to provide a range of shared e-mobility (e.g. scooters, cargo bikes, bikes, vans) for residents and businesses;
    - New junction layout to improve traffic flows with better pedestrian and cycle crossings across Western Esplanade (W & S), new controller and MOVA operation, to connect the site with the City;
    - Provision of servicing laybys for the commercial and any other relevant uses within the development;
  - b. 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;

- c. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project 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.
  - d. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives during both the construction and operational phases, 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. Affordable housing provision taking account of the current Development Plan and current viability with ongoing reviews;
  - g. Notwithstanding the current submissions the submission, approval and implementation of on site Public Art in accordance with the Council's Public Art Strategy, and the adopted SPD relating to 'Developer Contributions' (September 2013),
  - h. Submission, approval and implementation of a Travel Plan for both the commercial and residential uses in accordance with Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy;
  - i. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
  - j. 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.
  - k. Notwithstanding the current submissions the submission of a scheme of works and management plan for the International Maritime Promenade permitted route, public plaza and other public areas around the site for access by pedestrians and cyclists.
  - l. Provision, retention and management of the public open space and on-site play space together with securing public access in perpetuity in accordance with policy AP13 of the City Centre Action Plan.
  - m. A financial contribution to a flood defence scheme and flood evacuation plan in accordance with the NPPF and policy AP15 of the City Centre Action Plan.
- (ii) 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 Head of Planning and Economic Development will be authorised 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.
  - (iii) That the Head of Planning and Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

### **Additional Condition**

Not to Commence Development unless the Developer (as defined in the Development Agreement between Packaged Living (FREOF V Southampton) LLP and Southampton City Council and dated [ ]) has entered into a s.106 agreement substantially in the form as that between Packaged Living (FREOF V Southampton) LLP and the Council and dated [ ].

REASON: To secure planning obligations to mitigate the impacts of the development.

### **Amended Conditions**

#### **01. Outline part of this Hybrid Planning Permission - Timing Condition**

Outline Planning Permission for the principle of development for flexible commercial/residential/overnight accommodation (C1/C3/Class E Uses) and/or co-living (Sui-Generis) and means of access for Zone E/Block E is approved subject to the following:

- (i) Written approval of the details of the following for development within the boundary of the outline application, shown on plan ref TRU-GRID-00-ZZ-DR-A-PL600 Rev P01 awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site.
  - the layout of the buildings on site and detailed siting of associated areas in accordance with Block E Parameter Plan Drawing No. TRU-GRID-00-ZZ-DR-A-PL600 Rev P01;
  - the appearance and architectural design specifying the external materials to be used in accordance with the Design Code by Grid Architects Dated 10.12.2021;
  - the scale indicating massing; and
  - the landscaping of the site specifying both the hard, soft treatments and means of enclosures.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission.
- (iii) The outline part of this hybrid planning application hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

REASON: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended). To protect views of the Civic Centre campanile from West Quay Road in accordance with the requirements of policies AP16 and AP17 of the City Centre Action Plan (2015) and paragraphs 190, 193, 194 and 196 of the National Planning Policy Framework (2019).

#### **03. Phasing (Pre-Commencement Condition)**

The development hereby approved, shall follow an implementation phasing programme, with details to be first agreed in writing with the Local Planning Authority prior to the commencement of development. The phasing plan shall ensure that the International Maritime Promenade and landscape zone as shown within the indicative

phasing plan as shown on page 69 of the Design & Access Statement by Grid Architects Dated 14.12.2021, shall be delivered as part of the first phase.

REASON: To ensure that development takes place in an ordered and agreed methodology. In the interests of retaining a permissive route through the site from Western Esplanade to Harbour Parade and to ensure the part of International *Maritime Promenade relating to this site is delivered in a timely manner in accordance with policy AP19 of the City Centre Action Plan.*

### **38. International Maritime Promenade Management Plan**

Prior to the commencement of development (excluding site set up and demolition, archaeology, site investigations, services and diversions), a management plan to detail how access to Block/Zone E and servicing will be managed along the International Maritime Promenade route to avoid conflict with pedestrians and cyclists and to ensure this strategic route is provided as high quality public realm. To include consideration and approval of measures to delineate pedestrians, cyclists and vehicles in the interests of user safety. The management plan shall set out servicing times to avoid peak pedestrian commuter times and management of bollards or physical measures to prevent non-servicing vehicle access and parking. The Management Plan shall be adhered to for the lifetime of the development, unless subsequently amended plans are first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of pedestrian and cyclists safety and to ensure a high quality public realm and satisfactory form of development in accordance with policies AP19 and AP21.

### **39. Servicing Management Plan (Pre-Use Condition)**

Before each phase, a management plan for the servicing and delivery requirements for each building within that phase of that relevant unit, including servicing times to avoid peak times on the highway network, shall be submitted to and approved in writing by the Local Planning Authority. The Management Plans shall be adhered to for the lifetime of the development, unless subsequently amended plans are first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the safety and convenience of the users of the adjoining highway and residential amenity.

### **42. Cycle storage facilities (Pre-Occupation)**

Before the development hereby approved first comes into occupation/use, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. A minimum of 603 cycle parking spaces shall be provided for the C3 residential accommodation hereby approved. The storage shall be thereafter retained as approved for the lifetime of the development. Furthermore the office shower and changing facilities as shown on the approved drawings shall be provided prior to first occupation of Block A and retained thereafter.

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

### **44. Residential Environment – Internal and external amenity space**

Prior to the first occupation of each phase a management plan relating to how the buildings and their associated spaces will be managed within that phase, including the resident's amenity areas, including further details of the nature, likely fit out and type of internal communal facilities and associated roof terraces, main pedestrian routes shall have been submitted to and approved in writing by the Local Planning Authority.

The management plan shall include details of outdoor seating, any rooftop amenity space furniture and associated facilities including litter bins and management, the management of special events and the policing of anti-social behaviour alongside the day to day operational requirements of the building. Each phase shall be managed in accordance with the agreed details for the lifetime of the development.

All occupiers of the residential accommodation shall be given secure, unfettered, free access to the resident's amenity areas and associated roof terrace during the lifetime of the development. The use of the development shall be carried out in accordance with this agreed management plan unless otherwise agreed in writing by the Local Planning Authority.

A minimum of 841sqm gross of communal/private internal amenity space shall be provided for residents of the development in accordance with the submitted Accommodation schedule Rev G dated 13.12.2021.

Furthermore before each residential building within each phase comes into occupation, the internal and external amenity space for that particular phase as shown on the plans hereby approved and any subsequent phasing plan agreed under condition 03, shall be made available for use for that particular phase in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

REASON: The nature of managed PRS units includes internal and amenity space provision and provides a different offer to market C3 units when considered against the National Prescribed Space Standards. To secure a satisfactory city living environment

72. **PLANNING APPLICATION - 21/01632/FUL - 91 POUND STREET**

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 from a dwelling house to a 4-bed children's home (C2 use)

Ben Rogers, Lindsey Wilson and Ivan White local residents), Paradzai Chitonog (Applicant) and Councillors Laurent and Fitzhenry (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that comments from the City Council's Children's Placement Team had been received and these were reported to the Panel. It was noted that that Southampton City Council would not currently be a partner seeking to take up these places, however the Applicant's supporting statement also highlights that Hampshire County Council are their other potential partner. In addition it was noted that an updated supporting statement had been received from the applicant and that this had been posted online

and circulated to the Panel. It was noted that the statement had informed an amendment to Condition Number 3, 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 Prior, Coombs, Savage and Windle  
AGAINST: Councillors J Payne and Vaughan

**RESOLVED** that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

### **03. Management Plan (Pre-Occupation)**

Notwithstanding the information already provided in the updated Supporting Statement, before the development hereby approved first comes into occupation, a detailed management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of the proposed levels of supervision of residents both on and off-site, and measures to manage the level of noise audible outside the premises. These measures shall include providing 24 hour contact details for the site's management, including a company representative, to provide liaison with neighbouring dwellings to address noise and disturbance complaints as they arise. The operator shall, thereafter, keep these contact details up to date. The development hereby approved shall operate in accordance with the agreed Management Plan.

REASON: In the interest of the amenities of neighbouring occupiers

**NOTE:** Councillor Laurent declared an interest as a Ward Councillor and withdrew from the Panel.

### 73. **PLANNING APPLICATION - 21/01649/FUL - 39 THORNBURY AVENUE**

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.

Change of use from care home to family dwelling (class C3) and 1-bed annexe with parking, cycle and refuse store. *Description Amended following amended plans to change family home layout and use of flat as an annexe*

Councillor Shields (ward councillor) was present and with the consent of the Chair, addressed the meeting. Additionally the Panel noted a statement received, circulated and posted online from Nigel Parsons and that the local resident, Claire Heyes, who had registered to speak on the application had unfortunately had to leave the meeting prior to the matter being considered.

The presenting officer reported that there were no updates to the condition required. It was noted that enforcement actions were still ongoing

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

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 unanimously.

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegate to the Head of Planning and 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 contribution towards the Solent Disturbance Mitigation Project to mitigate impact on European designated sites due to an increase in recreational disturbance.
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iv) That the Head of Planning and Economic Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.