
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 25 JANUARY 2022

Present: Councillors L Harris (Chair), Prior (Vice-Chair), Coombs, Magee, Savage (except for minutes item 52) and Windle

Present Virtually Councillor Vaughan

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

RESOLVED: that the minutes for the Panel meeting on 14 December 2021 be approved and signed as a correct record.

52. **PLANNING APPLICATION - 21/01027/FUL - UNIT 5, 140 ABOVE BAR 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.

Variation of condition 21 of planning permission ref 13/00593/FUL sought to extend opening/closing hours for Unit 5, 140 Above Bar Street only (Departure from Local Plan) (amended after validation to amend hours and specify departure)

Councillor Savage representing City Eye, Mr Ferreira (applicant), and Giles Semper from Go Southampton (supporter) were present and with the consent of the Chair, addressed the meeting. Additionally, Marian Hubble (local resident objecting) sent in a statement that was circulated to the Panel and noted at the meeting.

The Panel then considered the 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 and open hours set out within the report.

NOTE: Councillor Savage withdrew from the Panel for this item.

53. **PLANNING APPLICATIONS - 20/01716/FUL & 20/01717/LBC - 1A BUGLE STREET**

The Panel considered the report of the Head of Planning and Economic Development recommending delegated authority be granted in respect of the applications for a proposed development at the above address.

20/01716/FUL - Change of use of existing offices (use class B1) to form mixed use event spaces and wedding venue (sui generis) and 7 no. hotel guest bedrooms (use class C1) (Submitted in conjunction with 20/01717/LBC).

20/01717/LBC - Listed Building Consent sought for conversion of existing offices (use class B1) to form mixed use event spaces and wedding venue (sui generis) and 7 no. hotel guest bedrooms (use class C1) (Submitted in conjunction with 20/01716/FUL)

Ron Williamson (local resident objecting) Simon Reynier (City of Southampton Society) were present and with the consent of the Chair, addressed the meeting. In addition, statements from the Andy Gravell from Local Residents' group and from Professor Elia and Dr Elia were received and circulated to the Panel and posted online.

The presenting officer reported that the recommendation needed to be amended to include a Habitats Regulation Assessment. It was noted that the HRA had been circulated to Panel separately. It was further explained that the officers also required that the Section 106 legal agreement to be amended to secure both a contribution towards the New Forest National Park Authority Habitat Mitigation Scheme and site-specific highway works. The presenting officer also proposed the amendment of Condition 9 and an additional condition relating to landscaping.

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

The Panel then considered the recommendations for each aspect of the development.

Upon being put to the vote the recommendation relating to the Listed Building Consent (20/01717/LBC) was carried unanimously.

Upon being put to the vote the amended recommendation for application number 20/01716/FUL was lost unanimously.

A further motion to refuse planning permission for the reasons set out below was then proposed by Councillor Windle and seconded by Councillor Harris was then carried unanimously.

RESOLVED that the Panel:

20/01717/LBC – Listed Building Consent

That planning permission be approved subject to the conditions set out within the report.

20/01716/FUL

RESOLVED

- (i) To confirm the Habitats Regulation Assessment.
- (ii) To refuse planning permission for the reasons set out below:

Reasons for Refusal

- 1) Insufficient information has been submitted to demonstrate appropriate management of the site and the intended use, particularly, whilst 'events' are taking place, including details of booking systems, the type and number of on-site staffing, security arrangements including guest safety and controls for dealing with neighbour complaints and the termination of the 'event' at a reasonable hour, servicing arrangements including the storage and collection of food waste, recycling and laundry and the arrangements for catering in the absence of any substantial cooking facilities. These issues run to the heart of the use and its acceptability, and cannot be addressed with a post permission planning condition. Furthermore, without these details and a more refined definition of the likely 'events' the true impacts of the use cannot be properly assessed, controlled and mitigated. In the absence of this information, the proposals could result in undue noise and disturbance to neighbouring properties alongside wider public safety concerns. The proposal is therefore contrary to saved Policies SDP1 (i), SDP16 of the City of Southampton Local Plan Review (adopted 2006 – amended 2015) and saved Policy CS13 of the Council's Local Development Framework - Core Strategy Development Plan Document (adopted 2010 – amended 2015), as supported by Section 12 of the National Planning Policy Framework.

- 2) In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-
 - (i) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site and a Travel Plan, in line with Policy SDP1, SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18, CS19 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013)
 - (ii) 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.
 - (iii) In the absence of an alternative arrangement the lack of a financial contribution towards New Forest National Park Authority Habitat Mitigation Scheme in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (Amended 2015), CS22 of the Core Strategy (Amended 2015) and the Planning Obligations SPD (September 2013) as supported by the current Habitats Regulations.
 - (iv) Financial contributions towards Late Night Community Safety Facilities and CCTV in line with Policy SDP1 of the City of Southampton Local Plan Review (Amended 2015), Policy CS25 of the adopted LDF Core Strategy (Amended 2015) and Policy AP8 of the City Centre Action Plan and the adopted SPG relating to Planning Obligations (August 2005 as amended).

- (v) In the absence of a commitment towards a staff and guest travel plan the development fails to assist the Development Plan in delivering a scheme that encourages more sustainable transport to the private car.
- (vi) In the absence of a commitment towards CCTV the scheme fails to offer sufficient site security for the intended use.

54. **PLANNING APPLICATION - 21/01329/FUL - 61 HIGHFIELD CRESCENT**

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.

Roof alterations including installation of side dormer and roof lights to facilitate a loft conversion and change of use from 5-bed HMO (class C4) to large 7-bed HMO (Sui Generis use).

Phil Noad (local resident objecting), Andy Evason (agent), and Councillor Mitchell (ward councillor) were present virtually and with the consent of the Chair, addressed the meeting. In addition the Panel noted statements of objection were received from Denise Long and Cristina Carretero which were noted and circulated to the Panel.

The presenting officer advised that Condition 6 would be amended to ensure that bins were stored at the rear of the property. Officers advised that an additional Condition 9 would be required in regarding removing permitted development rights for hardstanding the front garden. The Panel voted to support the need for a further additional condition agreed to secure additional soundproofing on all floor.

The Panel considered the recommendation to grant conditional planning permission, with the amended conditions. Upon being put to the vote the recommendation was lost.

A further motion to refuse to grant conditional planning permission authority delegate approval for the reasons set out below was then proposed by Councillor Savage and seconded by Councillor Harris.

RECORDED VOTE refuse planning permission
FOR: Councillors Coombs, L Harris and Savage
AGAINST: Councillors Prior, Magee and Windle

The Chair used his second and casting vote to pass the recommendation for refusal.

RESOLVED to refuse planning permission for the reasons set out below:

Reasons for Refusal

The intensification in occupation arising from the larger HMO use alongside the associated noise and disturbance from the comings and goings and related activities of the cumulative number of unrelated occupants will adversely impact on the amenity of the neighbouring occupiers and adversely affect the mix, balance and character of housing in the wider area. Therefore, the proposal cannot be supported as it will be contrary to saved Policies SDP1(i) and H4(i) of the Local Plan Review (Amended

2015) as supported by the relevant sections of the Houses in Multiple Occupation Supplementary Planning Document (Approved May 2016).

55. **PLANNING APPLICATION - 21/01363/FUL - 17A BROOKVALE ROAD**

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 existing laundry building and provision of new two storey 3 bedroom dwelling including provision of a new access onto Brookvale Road associated parking, storage and amenity space (Amendment to planning permission ref 20/01296/FUL)

Mrs Jameson (local resident objecting), Ian Donohoe (agent), and Councillor Mitchell (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted and received a statement from the Highfield Residents' Association.

During the debate at the meeting the presenting officer agreed to amend Condition 5 and add an additional condition in relation to access to the bathroom, as set out below.

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:

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Delegated authority 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 or S.111 Legal Agreement to secure 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.
3. That the Head of Planning and Economic Development be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within a reasonable timescale
4. 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.

Additional and amended Conditions

05. Amenity Space Access (Pre-Occupation) - AMENDED

Within 3 months of the decision notice date, the external amenity space and pedestrian access to it for the existing dwelling at 17a Brookvale Road and the approved dwelling, shall be made available for use 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: To ensure the provision of adequate amenity space in association with the approved dwellings.

12. Bathroom access – ADDITIONAL

Within 3 months of the decision notice date, direct internal doorway access to the first floor bathroom shall be provided from the stairway landing and shall be thereafter retained for the lifetime of the approved dwelling.

REASON: In the interests of the living conditions of the occupiers.

56. **PLANNING APPLICATION - 21/01578/FUL - 20 HOWARD ROAD**

Change of use of premises to Offices (Class E(g)(i), removal of Condition 07 of the consent dated 23 September 2021 (Application No. 21/01047/FUL) to remove limit on number of staff employed on the premises. 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 premises to Offices (Class E(g)(i), removal of Condition 07 of the consent dated 23 September 2021 (Application No. 21/01047/FUL) to remove limit on number of staff employed on the premises.

Mr Bendermacher (local residents/ objecting), and Councillor Shields (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that that highways comments received in addition to agenda report were forwarded to Members prior to the Panel meeting

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was lost.

A further motion to refuse to grant conditional planning permission authority delegate approval for the reasons set out below was then proposed by Councillor Windle and seconded by Councillor Harris.

RECORDED VOTE refuse planning permission

FOR: Councillors L Harris, Savage and Windle

AGAINST: Councillors Coombs, Magee and Prior

The Chair used his second and casting vote to pass the recommendation for refusal.

RESOLVED to refuse planning permission for the reasons set out below:

Reasons for Refusal

The proposed change of use, without a restriction on the number of staff, as hereby proposed has been assessed as harmful by the Local Planning Authority (LPA). A restrictive planning condition was initially applied as a response to the applicant's submission and the likely occupancy levels envisaged, which have since changed since permission 21/01047/FUL was issued. By removing condition 7 from planning permission LPA ref no. 21/01047/FUL to allow unlimited staff occupancy, the impact associated with the change of use to an office will in the opinion of the LPA adversely affect i) the amenity of the neighbouring occupiers from the increased comings and goings from the building, and the associated activity associated with the unrestricted office environment given the semi-detached nature of the building and ii) the likely pressure for existing on-street parking availability in the locality for local residents caused by the additional car parking demand linked to an unlimited number of staff and the provision of only 6 on-site parking spaces. As such, the proposal would impact existing neighbouring amenity and prove contrary to saved Policy SDP1(i) of the Local Plan Review (March 2015 amended) as supported by the relevant guidance set out in the Parking Standards Supplementary Planning Document (September 2011).

57. **PLANNING APPLICATIONS - 21/01389/FUL & 21/01308/FUL 10 PRINCES 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 applications for a proposed development at the above address.

21/01389/FUL

Temporary Consent (5 years) for continued use of property for reception, storage and processing of scrap metal (Departure from Local Plan)

NB. description amended 12.11.21 to change from permanent to temporary application

21/01308/FUL

Erection of additional boundary fencing on top of original perimeter walls and gates

Peter Harding (local residents objecting), Alexandra Munday (agent) and Zach Salt (applicant) were present and with the consent of the Chair, addressed the meeting. In addition the Panel received and noted a statement from Andrew Ballard.

The presenting officer reported that an additional condition was required in regard to the perimeter works, as set out below.

The Panel then considered the recommendations for the two applications separately for the temporary consent and the boundary fencing to grant conditional planning permission. Upon being put to the votes the recommendations were carried unanimously.

21/01389/FUL

RESOLVED that planning permission be approved subject to the conditions set out within the report

21/01308/FUL

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

Amended condition

Condition 4 – Fence and gate (Performance) - ADDITIONAL

The installation of the perimeter boundary works hereby approved shall be completed in accordance with the plans hereby approved within 3 months of the decision notice date. The perimeter boundary works and associated materials shall be dismantled and removed from the site within 1 month from the operation of the temporary metal recycling use ceasing.

REASON: In the interests of safety and amenity of neighbouring occupiers and the visual amenity of the local area.