
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 22 NOVEMBER 2022

Present: Councillors Coombs (Chair), Savage (Vice-Chair), Blatchford, Magee, J Payne, Prior and Windle ((Except for item 38))

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

RESOLVED: that the minutes for the Planning and Rights of Way meeting on 11th October 2022 be approved and signed as a correct record.

36. **THE MAKING OF THE SOUTHAMPTON (VICTOR COURT) TREE PRESERVATION ORDER 2022**

The Panel considered the report of the Head of City Services recommending confirmation of the Southampton (Victor Court) Tree Preservation Order 2022.

Upon being put to the vote the officer's recommendation was carried unanimously.

RESOLVED that the Panel confirmed the Southampton (Victor Court) Tree Preservation Order 2022.

37. **PLANNING APPLICATION- 22/00953/FUL FRIARY HOUSE, BRITON STREET**

The Panel considered the report of the Head of Green City & Infrastructure recommending that authority be delegated to the Head of Green City & Infrastructure to grant planning permission subject to criteria listed in the report.

Erection of an 8-storey building containing 88 flats with associated infrastructure, landscaping and public realm works following demolition of Friary House.

Simon Reynier (City of Southampton Society), Ros Cassy, (Convener, Old Town Community Forum), Lily King, Maurice Fitzgerald (local residents/ objecting), and Tom Molyneux-Wright (Agent) were present and with the consent of the Chair, addressed the meeting. A statement received from local resident Donna Drozd was received, circulated and noted prior to the meeting.

The presenting officer read out Ward Councillor Noon's objection verbatim as it had been erroneously omitted from the report. The officer also reported that the Council was investigating the use of funding from the Community Infrastructure Levy to support GP services in the city centre. The officer explained that condition 5 (Contaminated Land) could be removed, following advice from the Contaminated Land team, that there was no significant risk and therefore a full land contamination risk assessment was unnecessary.

During discussion on the item, members raised the issue and officers agreed to amend their recommendation by the inclusion of an additional condition in respect of CCTV and the variation to conditions 22, 23 and 30 as set out in full below and the

requirement for the submission of shadow analysis and changes to the refuse and cycle storage access.

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

The Panel then considered the revised recommendation (2) to delegate authority to the Head of Green City & Infrastructure to grant planning permission and recommendation (3). Upon being put to the vote the recommendation was carried.

RECORDED VOTE

FOR: Councillors Coombs, Magee, J Payne, Prior, Windle.

AGAINST: Councillors Mrs Blatchford and Savage.

RESOLVED:

- (i) To confirm the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) To delegate authority to the Head of Green City & Infrastructure to grant planning permission subject to.
 - a. the submission of an acceptable microclimate study demonstrating that, having regard to the existing situation, the proposed building will not significantly harm the existing amenity of nearby residents, cyclists or pedestrians in terms of the microclimate and wind environment with delegation also offered to secure any suggested mitigation.
 - b. the planning conditions recommended at the end of the report, as amended below.
 - c. the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions and/or works through s.278 approvals towards site specific transport contributions for highway improvements in the vicinity of the site 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 the adopted Developer Contributions SPD (April 2013).
 - ii. Affordable housing provision taking account of the current Development Plan and current independently assessed viability appraisal; with ongoing and fixed reviews taking into account vacant building credit.
 - iii. Submission of a highway condition survey (both prior to and following completion of the development) to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives with financial contributions towards supporting these initiatives during both the construction and operational phases (as applicable), 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).

- v. 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).
- vi. 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; Page 42
3
- vii. Creation and retention of a 'permitted route' across the site frontage/eastern side to the Back of Walls and submission, approval, and implementation of a scheme of works for the off-site and on-site public realm and Town Walls Setting Improvement works, including (but not exhaustive):-
 - footway engineering specification to adoptable standard;
 - archaeological supervision;
 - protection/safe removal during demolition/construction and relocation of the Friary House murals if required off-site;
 - lighting;
 - commuted sum for public realm maintenance;
 - repair the historic wall adjacent to Gloucester Square car park to appropriate conservation standards;
 - display of interpretation boards for Friary House murals

in accordance with the Council's Old Town Development Strategy (November 2000), and the adopted SPD relating to 'Developer Contributions' (September 2013).

- d. the submission of an acceptable shading analysis demonstrating that the proposed building will not adversely impact the loss of sunlight currently enjoyed by the residents of the neighbouring buildings including Coopers Court. The shading analysis submitted will be shared with the Chair and Vice-Chair of the Planning & Rights of Way Panel for comment ahead of determining the acceptability of the loss of sunlight impact and additional shadow impact ahead of the application being determined.
 - e. the submission of either amended plans, where possible, showing direct internal access for residents to both the internal communal refuse and cycle stores or justification why such provision cannot be delivered.
- (iii) In the event that (i) the legal agreement is not completed and (ii) the required microclimate assessment impacts have not been submitted/agreed within a reasonable period following the Panel meeting, the Head of Green City & Infrastructure be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement and/or insufficient information received to satisfy saved Local Plan Policy SDP1(i). In the event that the microclimate study recommends significant changes to the proposed building's design the application will be brought back to the Planning & Rights of Way Panel for consideration.

Amended Conditions

Condition 5 (Contaminated Land) – deleted

22. Communal and Amenity Space Access (Pre-Occupation)

Prior to the occupation of the development hereby approved, the details of a management plan and landscaped maintenance plan shall be submitted to and agreed in writing by the Local Planning Authority for the communal use of the roof terrace including permitted activities and hours of use for residents. Before the development hereby approved first comes into occupation, the communal and private external and internal amenity and resident's space and pedestrian access to it for all residents, shall be made available for use in accordance with the plans hereby approved and the approved roof terrace management plan. The amenity spaces and access, including the roof terrace, to them shall be thereafter retained for the use of the dwellings residents and their visitors flats for the lifetime of the development.

Reason: To ensure the provision of adequate amenity space in association with the approved dwellings flats.

23. Cycle Parking (Pre-Occupation)

Prior to occupation of the development hereby approved, a detailed plan shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the provision of long stay residents (88 spaces) including provision for electric cycle charging facilities and short stay visitors cycle parking (minimum 9 spaces) in accordance with the standards set out within the Council's Parking Standards Supplementary Planning Document (2011) unless otherwise agreed in writing by the Local Planning Authority. Once the quantum and location of cycle parking has been agreed in writing, the cycle provision shall be carried out in accordance with the approved details prior to first occupation of the approved buildings. Thereafter these cycle spaces and associated facilities shall be retained for the lifetime of the development.

Reason: To promote cycling as a sustainable mode of transport.

30. Water efficiency and rainwater recycling (Pre-Construction)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum maximum 100 Litres/Person/Day water use in the form of a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA. This should include the review the viability and feasibility of rainwater harvesting and greywater recycling. The appliances/ fittings to be installed as specified.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (Amended 2015).

Additional Condition

CCTV system (Pre-Occupation)

Prior to the first occupation of the development hereby approved, details shall be submitted to and agreed in writing by the Local Planning Authority of a Closed Circuit Television (CCTV) system to be fitted within the development, with cameras deployed to provide images of the external spaces adjacent to ground floor flats/communal areas and building entrances including the cycle and refuse stores, with the installation of 360° mega pixel cameras together with a system that supports the use of these cameras. The approved CCTV system shall be fitted and made operational prior to the first occupation of the development and shall thereafter retained for the lifetime of the development.

Reason: In the interests of reducing the risk and fear of crime.

38. **PLANNING APPLICATION - 22/00347/FUL 21-35 ST DENY'S ROAD**

The Panel considered the report of the Head of Green City and Infrastructure recommending that planning permission be refused in respect of an application for the proposed development at the above address.

Demolition of former car showroom and outbuildings and the erection of two blocks comprising 35 apartments, with associated parking, access, and landscaping (Resubmission 21/00324/FUL).

Councillor Windle was taken ill and did not attend this item.

Katherine Barbour, Simon Reynier (City of Southampton Society) (local residents/objecting) and Richard Carr, Fortitudo (Agent), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the following updates: Paragraph 6.4.4 should have read 'Osborne Road South' instead of Osborne Road North'; and Paragraph 6.4.3 should have referred to '74 Belmont Road' not '47 Belmont Road'.

During discussion on the item, two motions to amend the recommendation by the inclusion of additional reasons for refusal in respect of the pedestrian entrances and accessibility, as set out in full below, was proposed and seconded. Upon being put to the vote, the amendments to the recommendation were carried.

The Panel then considered the recommendation to refuse planning permission. Upon being put to the vote the recommendation as amended was carried unanimously.

RESOLVED to refuse planning permission.

Reason for Refusal: Overdevelopment

- (i) The layout, scale, bulk and massing of the development would appear unduly dominant within the St Denys Road and Osborne Road South street scenes and would be out of keeping with the character and appearance of the area.
- (ii) The proposed layout and excessive level of site coverage (with buildings and hard surfacing exceeding 50% of the site) is symptomatic of a proposal that results in an overdevelopment of the site that is out of character with the established pattern of development within the vicinity.

- (iii) The layout of the buildings, due to the positioning of habitable windows on and close to neighbouring boundaries (74 Belmont Road) results in poor outlook that would adversely impact neighbouring occupiers.
- (i) Due to the absence of sufficient private and useable amenity space that is directly accessible by all occupants of the development, including those with a disability, the proposal fails to provide an acceptable residential environment for occupants of the development. This is particularly having regard to the two-bedroom units of the development which could provide accommodation for families with small children.

Additional reasons for refusal:

- (v) The location of the entrances to both blocks, given their distance from the road frontage, does not provide a safe nor convenient access for all users.
- (vi) Given the land level changes and the chosen design for block A, including the absence of a lift, the scheme fails to meet the day-to-day needs of all users to enable those occupiers and their visitors that are less mobile to access either the units nor the shared communal amenity terrace. As such the scheme does not provide full access and fails in its duties under the Equalities Act, as supported by the Development Plan detailed below.

Overall, the proposal would appear as an over-intensive form of development that would fail to add to the overall quality of the area or function well for its potential residents and would unacceptably affect the amenity of neighbouring residents. The development would be contrary to saved policies SDP1(i), SDP4, SDP6, SDP7 SDP9, SDP10, SDP11 and H7 of the City of Southampton Local Plan (2015) and saved policies CS5, CS13 and CS18 of the Local Development Framework Core Strategy (2015), sections 2, 3 and 4 of the Council's Residential Design Guide Supplementary Planning Document (September 2006) with particular reference to paragraphs 2.2.1 - 2.2.10, 2.6, 3.9.1 - 3.9.5, 3.10.24 -3.10.25, 4.4 - 4.4.4, 5.1.16 - 5.1.17, 5.2.12 and sections 8 and 10 and the relevant guidance contained within the National Planning Policy Framework 2021.