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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 8 JANUARY 2019

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Present: Councillors Savage (Chair), Coombs (Vice-Chair), Claisse (except Minute Number 49), L Harris, Mitchell (except Minute Number 49) and Murphy

Apologies: Councillor Wilkinson

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

**RESOLVED:** that the minutes for the Panel meeting on 11 December 2018 be approved and signed as a correct record.

48. **PLANNING APPLICATION - 18/00898/FUL - RILEYS - CHURCH END**

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

Demolition of existing building and redevelopment of the site to provide a part two, part three, part four storey building comprising of 22 flats (15 x 1, 7 x 2 beds) with associated bin/refuse, cycle storage and landscaping.

Chris Barber (Roman Catholic Diocese of Portsmouth, St Boniface Church)  
Cormac Murphy (local resident objecting) Simon Reynier ( City of Southampton Society) Steven Galton (Millbrook Ward Councillor) , Martha Covell (agent) and Councillor Kaur (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the report's recommendation needed to be amended by adding a clause to the section 106 that would prevent future occupiers benefitting from parking permits in surrounding streets and to remove item (i) of the legal agreement by adding the requirement for details of refuse vehicle tracking to the delegation. The presenting officer outlined additional amendments required for conditions 2 and 7. It was noted that the report incorrectly referred to a link to Shirley Avenue.

During discussion the Panel expressed a number of concerns relating to the application including: the building's relationship with the locally listed church; the potential for overspill parking; the quality of the parking survey; and the residential mix of the proposed development.

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: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was lost unanimously.

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

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) refused planning permission for the reasons set out below:

**Reasons for Refusal**

1 **Overdevelopment and poor design**

The proposal results in an overdevelopment of the site which is demonstrated by the failure to provide a suitable mix of residential accommodation, including no provision of any family housing (with 3 or more bedrooms and access to private gardens) and a significant reliance on single person accommodation in a location characterised by family housing. The resulting density of the scheme is a further example of a site overdevelopment. Furthermore, the building's chosen design has been assessed as incongruous due to its contemporary appearance that fails to respect the character and setting of the adjacent locally listed St Boniface Church, or the wider context, resulting in a design that fails to respond to the established character of the area. As such the proposal is contrary to Saved Policies SDP1, SDP7, SDP9, HE4, H7(iv) of the City of Southampton Local Plan Review (updated 2015) and Policies CS13, CS14 and CS16 of the Southampton Core Strategy LDF Development Plan Document (updated 2015) and supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006) and the design chapter of the NPPF (2018).

2. **Insufficient parking**

Based on the information submitted it has not been adequately demonstrated that the parking demand of a development without any associated on-site car parking would not harm the amenity of nearby neighbours through increased competition for on-street car parking. The Transport Statement (ref: 1843J v1.3 - dated 12 December 2018) is considered to be insufficient as the parking demand should be assessed by undertaking a parking survey using the preferred methodology as set out in the Council's up-to-date SPD. Whilst the relatively sustainable location of the site in relation to Shirley Road is noted it is likely that some occupiers will own a vehicle, and may have visitors arriving by car, and it is unclear how a completely parking free scheme can be accommodated without some overspill parking taking place. It is also unclear how, and where, any overspill might be caused by this development and, as such, a full assessment cannot be made and the LPA remains of the opinion that some harm to existing residential amenity is likely given the number of flats without parking proposed. The development would, therefore, be contrary to the provisions of Policy SDP1(i) of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy LDF Development Plan Document (2015), the adopted Parking Standards Supplementary Planning Document (2011) and the Council's Residential Design Guide SPD (2006) (with particular reference to section 9).

### 3 Failure to enter into S106 agreement

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) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);
- (ii) The provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - (Amended 2015) and the adopted SPG relating to Planning Obligations (August 2005 as amended) taking account of the viability position presented and assessed;
- (iii) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;
- (iv) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;
- (v) In the absence of a mechanism for securing 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) In the absence of either a scheme of works or a contribution to support the development, the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations; and
- (vii) a mechanism for securing restrictions to prevent future occupiers benefitting from parking permits in surrounding streets;

49. **PLANNING APPLICATION - 18/01889/FUL - 14 THE BROADWAY**

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

Application for variation of conditions 4 (Hours of operation) and 10 (Internal drinks consumption/use of tables and chairs) of planning permission 18/01085/FUL to extend opening hours from 11:00-23:00 (Mon-Sun) to 07:00 - 23:00 Monday to Wednesday, 07:00 - 24:00 Thursday to Saturday, 09:00 - 23:00 Sunday/Public holidays and to form outside seating area.

Jane Jameson (local resident objecting), Colin Okeef and Neil Davis (applicants), and Councillor Claisse (ward councillor /objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer detailed the number of objections that had been received in regard to the application and explained Councillor Claisse had objected to the proposal but had not explicitly requested that the application be referred to Panel for determination. It was also noted that Councillor Claisse stated that he had been made aware of more objectors to the application than had been actually logged an objection with the Council.

The presenting officer explained that as the site's outline abutted the public highway then it was not within the gift of the Panel to impose conditions that restricted seating outside. It was noted however, that permission had been granted for this by the Council's Highway Team and that this licence was reviewed on an annual basis and that therefore the Council would still have control over the seating if there were problems reported.

In addition the Panel were made aware of the opening hours of all the late night establishments with the district centre.

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 Savage, Coombs and Murphy

ABSTAINED: Councillor L Harris

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

**NOTE:** Councillors Claisse and Mitchell declared an interest and withdrew from the meeting.