
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 11 FEBRUARY 2020

Present: Councillors Savage (Chair), Mitchell (Vice-Chair), Coombs, G Galton, L Harris (except minute numbers 58,59,59 and 60), Windle (except minute number 55) and Prior

Apologies: Councillors Vaughan

52. **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 Business Operations, acting under delegated powers, had appointed Councillor Prior to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Committee meetings on 14th and 28th January 2020 be approved and signed as a correct record.

54. **THE MAKING OF THE SOUTHAMPTON (8 MOUNTAIN ASH CLOSE) TREE PRESERVATION ORDER 2019**

The Panel considered the report of the Service Director Head of Service of Adults, Housing and Communities regarding an objection to the Southampton (8 Mountain Ash Close) Tree Preservation Order 2019.

Catherine Butler (local resident/ objector) was present and with the consent of the Chair, addressed the meeting.

RESOLVED that the Panel confirmed The Southampton (8 Mountain Ash Close) Tree Preservation Order 2019, without modifications.

55. **PLANNING APPLICATION - 19/02011/R3CFL- ST MARKS CE PRIMARY SCHOOL**

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 buildings and erection of part three/part two-storey new school with associated gym, access, parking, landscaping and sports facilities (including multi use games areas and a flood lit all weather pitch) (departure from local plan).

Graham Linecar (Southampton Commons and Parks Protection Society) Clive Rogers, Andy Beal, Ievn Vibert, Jeremy Moulton, Kerry Sullivan, Jenny Hudek, Elaine Tomlins, Ian Davies, Councillor Galton (local residents/ objecting), Ben Christian, Paul Lovegrove, Richard Tose and Cliff Kingh (supporters) and Councillors Shields, Leggett and Windle (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that there been a number of updates since the publication of the report. It was noted that the Council's Highways, Ecology, Sustainability and Trees departments had removed their holding objections. As a consequence the Panel noted that the recommendation would be amended and that there were a number of changes to the reason for granting permission and the conditions within the report, these changes were presented at the meeting and are set out below. At the request of the Panel officers added a further condition in relation to the feasibility of a green roof and district energy, 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. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel delegated to the Head of Planning and Economic Development to add, vary and/or delete relevant parts of the recommended planning conditions ahead of issuing a Conditional Approval.

Amended Reason for Granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. Overall, the acute educational need and positive community benefits associated with the development and its 'proposed dual use' are considered to outweigh the dis-benefit of any associated increased on-street parking pressure. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39 - 42 and 46 of the National Planning Policy Framework (2019).

Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP19, SDP22, NE4 and CLT3 of the City of Southampton Local Plan Review (Amended 2015) and CS11, CS13, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Additional and Amended Conditions

3. Internal undertaking agreement (Pre-Commencement Condition)

No development or demolition works shall take place – with the exception of the tree removal hereby approved - until a Unilateral Undertaking has been submitted to and agreed in writing by the Local Planning Authority covering the following heads of terms:

- a) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including the provision of any necessary Traffic Regulation Orders, 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 SPD relating to Planning Obligations (September 2013)

- 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) The submission, approval and implementation of a Carbon Management Plan setting out how 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).
- d) Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, 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) Submission approval and implementation of either a scheme of measures or a financial contribution towards a public art strategy for the site.
- f) Submission and implementation within a specified timescale of a Travel Plan.
- g) Secure a Community Use Agreement including public access to school facilities outside of school hours taking account of condition 41 following meaningful consultation by the School with the local community.

REASON: Planning permission can be issued following the resolution of the Planning and Rights of Way Panel as the site is currently within Council ownership. Furthermore, as the development will create localised impacts a S.106 legal agreement is required in the interests of the proper planning of the area and to mitigate the impact of the development in accordance with Policy CS25 of the amended City of Southampton Core Strategy (2015).

6. Details of building materials to be used (Pre External Elevations Condition)

Notwithstanding the details shown on the approved drawings no works shall commence on the construction of the external elevations of the buildings hereby approved until a schedule of materials and finishes (including samples and full details of the manufacturers, types and colours of the external materials) to be used for external walls, windows and the roof of the proposed buildings along with details of all means of enclosure/boundary treatment, acoustic barrier and hard surface materials, have been submitted to and approved in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

8. Demolition & Construction Management Plan (Pre-Commencement Condition)

Prior to any development or demolition works commencing – with the exception of the tree removal hereby approved - further details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Demolition & Construction Method Plan for the development. The Construction Management Plan shall include details of:

- a) parking of vehicles of site personnel, operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- f) details of construction vehicles wheel cleaning; and,

g) details of how noise emanating from the site during construction will be mitigated.

The approved Demolition & Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

REASON: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

10. Parking [Performance Condition]

The application site shall at all times, following the completion of the development, provide facilities for the loading/unloading/circulation of vehicles and for the parking of a minimum of 57 cars, 4 mini-buses and 274 bicycles to serve the school use as identified on the hereby approved plans. The parking and servicing areas shall thereafter be retained for parking/servicing use in association with the educational buildings and their "dual use" hereby approved only.

REASON: To prevent obstruction to traffic in neighbouring roads, to ensure provision of vehicular access, car parking and servicing, to avoid congestion in the adjoining area and to protect the amenities of the area, in the interests of highway safety.

11. Scooter & Cycle Storage [Pre-Occupation Condition]

Before the buildings are first occupied full details and specifications of facilities to be provided for the secure storage of 274 bicycles and an agreed number of scooters shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle/scooter storage facilities shall be provided prior to the first occupation of the development hereby approved and retained thereafter whilst the site is used for education.

REASON: In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties; and to encourage sustainable modes of transport.

12. Refuse & Recycling [Pre-Occupation Condition]

Notwithstanding the details submitted before the building is first occupied details of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

REASON: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

13. Internal Lighting (Pre-Occupation Condition)

A written lighting scheme - to demonstrate how the internal rooms of the building shall be illuminated outside of daylight so that lights are turned off in rooms when they are not required and methods of ensuring that neighbours do not experience significant light intrusion (in particular occupants of 255 Shirley Road) - shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The lighting scheme shall be implemented prior to the occupation of the development hereby approved and shall be maintained as agreed.

REASON: To respond to neighbouring concerns/in the interests of neighbouring amenity and sustainability.

15. Ecological Mitigation Statement (Pre-Commencement Condition)

Prior to any development or demolition works commencing – with the exception of the tree removal hereby approved - further details shall be submitted to and approved in writing by the Local Planning Authority for a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with a programme that shall have been agreed in writing with the Local Planning Authority before any demolition work or site clearance takes place.

REASON: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

16. Archaeological damage-assessment [Pre-Commencement Condition]

Prior to any development commencing – with the exception of the tree removal or above ground demolitions hereby approved - further details shall be submitted to and approved in writing by the Local Planning Authority for the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

REASON: To inform and update the assessment of the threat to the archaeological deposits.

17. Archaeological evaluation investigation [Pre-Commencement Condition]

No development or demolition works shall take place – with the exception of the tree removal hereby approved - until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

REASON: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

22. Sustainable Drainage

Prior to any development commencing – with the exception of the tree removal, site clearance and the demolition phase hereby approved – and notwithstanding the submission to date further details shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water) for surface water drainage works. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The agreed drainage system shall be operational prior to the first occupation of the development hereby approved and shall be maintained in accordance with the agreed details.

REASON: To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

23. BREEAM Standards (Pre-Above Ground Works Condition)

No development shall take place – with the exception of site clearance and set up; including the tree removal hereby approved – until written documentary evidence demonstrating that the development will achieve at minimum Excellent against the BREEAM Standard, in the form of a design stage report, is submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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 (January 2010).

24. BREEAM Standards [Performance Condition]

Within 6 months of the occupation of each building hereby approved, written documentary evidence proving that the development has achieved at minimum Excellent against the BREEAM Standard, in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

REASON: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

25. Zero or Low Carbon Energy Sources (Pre-Above Ground Works Condition)

No development shall take place – with the exception of site clearance and set up; including the tree removal hereby approved – until an energy strategy, including zero or low carbon energy technologies that will achieve a reduction in CO2 emissions of at least 15% has been submitted to and approved in writing by the Local Planning Authority. Technologies that meet the agreed specifications must be installed and rendered fully operational in accordance with the agreed details prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

27. Land Contamination investigation and remediation (Pre-Commencement & Occupation)

No development shall take place – with the exception of site clearance and set up; including the tree removal hereby approved – until a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

- 1) A desk top study including;
 - historical and current sources of land contamination;
 - results of a walk-over survey identifying any evidence of land contamination;

- identification of the potential contaminants associated with the above;
 - an initial conceptual site model of the site indicating sources, pathways and receptors;
 - a qualitative assessment of the likely risks; and
 - any requirements for exploratory investigations.
- 2) A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
 - 3) A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

REASON: To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

30. Arboricultural Method Statement (Performance)

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement (Feb 2020 JFAO178 by James Fuller Arboriculture) including the tree protection measures throughout the duration of the demolition and development works on site.

REASON: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

31. No storage under tree canopy (Performance)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

REASON: To preserve the said trees in the interests of the visual amenities and character of the locality.

32. Landscaping, Lighting & Means of Enclosure Plan [Pre-Occupation Condition]

A detailed landscaping scheme and implementation timetable shall be submitted prior to any above ground development associated with this permission taking place. The plan shall include:

- (i) proposed finished ground levels or contours; means of enclosure (all boundary treatments); car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- (ii) planting plans; written specifications (including tree pit design, cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;

- (iii) an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis) with the replacement trees planted in small groups [spinney's and copse's] wherever practicable;
- (iv) details of any proposed boundary treatment, including retaining walls; and
- (v) a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

REASON: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

34. Plant Equipment Screen (Pre-External roof top equipment)

Notwithstanding the details shown on the approved drawings no works shall commence on the installation of any roof top plant equipment (including solar panels) until detailed drawings are provided of all proposed equipment (plant and solar panels) including plant screening where necessary/appropriate is submitted to and approved in writing by the Local Planning Authority. The details shall include plans showing how the plant equipment at roof top level is to be screened from public view. Once approved the plant equipment screen shall be installed prior to the occupation of the building and shall be retained in perpetuity.

REASON: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity by endeavouring to achieve a building of visual quality.

35. Floodlit Multi Use Games Technical details. (Pre-Occupation Condition).

The floodlit Multi Use Games Area hereby permitted shall not be constructed other than in accordance with Sport England's technical design guidance: Artificial Surfaces for Outdoor Sport (2013): <https://www.sportengland.org/facilities-and-planning/design-and-cost-guidance/artificial-sports-surfaces/>.

REASON: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy CS21.

36. Artificial Grass Pitch (Pre-Occupation Condition).

Use of the Artificial Grass Pitch hereby approved shall not commence until:

- (a) certification that the Artificial Grass Pitch (AGP) hereby permitted has met FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS); and,
- (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches

have been submitted to and approved in writing by the Local Planning Authority. The development shall be provided and maintained in accordance with these agreed details.
REASON: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy CS21.

37. Artificial Grass Pitch management and maintenance (Pre-Occupation Condition).

Before the Artificial Grass Pitch (AGP) is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This should include measures to ensure the replacement of the Artificial Grass Pitch within a specified period. The measures set out in the approved scheme shall be complied with in full during the lifetime of the development, with effect from the first use of the Artificial Grass Pitch.

REASON: To ensure that new facilities are capable of being managed and maintained to deliver facilities which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy 21.

38. Playing field drainage (Pre-Occupation Condition).

No drainage works/improvements to the playing field shall commence until a scheme for the management and maintenance of playing field drainage, including a management and maintenance implementation programme, has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The playing fields shall thereafter be managed and maintained in accordance with the approved scheme.

REASON: To ensure the quality of playing field/pitches is satisfactory.

39. Sports Pitch Flood Lighting Scheme (Pre-Occupation)

Notwithstanding the submitted details, prior to the erection and use of any floodlighting associated with the external playing pitches and multi-use games areas further details including mitigation measures to prevent light spill over sensitive adjacent bat foraging areas and adjacent residential gardens, shall first be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented and thereafter retained as approved.

REASON: In the interest of residential amenity/to minimise the impact on protected species.

40. Sports pitches hours of use (Performance Condition)

The outside sport pitches and flood lighting approved shall not operate for the purposes of community use outside the following hours:

5pm to 8.30pm Monday to Friday; and
9am - 7pm Saturday and Sunday

School use of the flood lighting and outside playing pitches shall not operate outside the following hours:

8am to 8.30pm Monday to Friday; and
9am - 7pm Saturday and Sunday

The sports pitches shall not be used for community use during daytime school hours within term times. The flood lighting shall be switched off when there are no evening bookings during the above operating hours.

REASON: To protect the amenities of the occupiers of existing nearby residential properties. Hours of use beyond 6pm in the evening would result in noise disturbance

to neighbouring residential properties, contrary to policies SDP1(i) and SDP16(i) of the City of Southampton Local Plan Review (2015).

41. Obscured window specification [Performance Condition]

The 1st and 2nd floor windows in the north-west flank elevation of the main school building facing the neighbouring property at 255 Shirley Road shall be fitted with obscured glazing and shall only have a top light opening above a height of 1.7m above the floor level of the room to which it serves. These windows shall be retained as stated.

REASON: To protect the privacy enjoyed by the occupiers of the adjoining property.

42. Staggered start & finishing times (Pre Occupation of Secondary School Condition)

The start and end of the school day (excluding any per/after school clubs) for both the primary and secondary year groups shall be agreed in writing with the Local Planning Authority prior to their respective first use. The primary school's start and finishing times shall be staggered from the secondary year groups start and finish times. Once agreed the development shall be carried out in accordance with the agreed details.

REASON: To limit the impact of the development on the highways network during peak drop off and pick up times at the start and end of the school day.

43. Car Park Management Plan (Pre-occupation)

Prior to the occupation of the development a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how the School will seek to manage events when high demand for parking is expected (including, for instance, performances, parents evenings and out of hours community use) and detail how the site's parking will be managed during these times. The site shall be managed in accordance with the agreed details during the lifetime of the development.

REASON: In the interests of local parking pressure and residential amenity.

44. Protection of nesting birds (Performance)

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

45. Coach Management Plan (Pre-occupation)

Prior to the occupation of the development hereby approved details of coach parking, including onsite parking and turning details, shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be carried out in accordance with the agreed details.

REASON: In the interests of local amenity, school safety and reducing highways congestion.

46. Green Roof & District Energy feasibility study – Added by Planning Panel

A detailed feasibility study for both (i) a green roof for all buildings hereby approved and (ii) a district energy scheme or linkages to the existing network, shall be submitted to and agreed in writing by the Local Planning Authority prior to any development commencing – with the exception of the tree removal and above ground demolitions and site clearance hereby approved. If the study demonstrates the site has the capacity

for the green roof and/or district energy scheme a specification shall then be agreed in writing with the Local Planning Authority. The green roof and/or district energy scheme to the approved specification shall be installed and rendered fully operational prior to the first occupation of the affected buildings hereby approved and shall be retained and maintained as agreed thereafter.

REASON: To reduce flood risk and manage surface water runoff in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

NOTE: Councillor Windle withdrew from the Panel to address the meeting as a Ward Councillor

56. **PLANNING APPLICATION - 19/00361/FUL - 20-25 CHAPEL ROAD**

The Panel considered the report of the Head of Planning and Economic Development recommending that the Panel refuse planning permission in respect of an application for a proposed development at the above address.

Erection of a part 4 and 5 storey school building with rooftop playground following demolition of existing buildings (Departure from Local Plan)

Peter Badger (agent), Steve Wright (applicant), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the reason for refusal in regard to the failure to enter a section 106 would need to be amended to add an additional clause around public art.

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

RESOLVED that the Panel refused to grant planning permission for the reasons set out below:

1. REASON FOR REFUSAL – Unsafe Flood Risk

Notwithstanding the submitted Flood Risk Assessment and further information, the proposal fails the Exception Test set out in the National Planning Policy Framework (NPPF) (2019) by failing to demonstrate that staff and pupils within the development would be safe during a flood event due to the following reasons:

- The application has not demonstrated that safe access and egress can be provided throughout the design life of the development;
- It is not clear that the design of building (finished floor levels) could withstand a flood event, taking into consideration the impact of climate change and sea level rise;

- The provision of a refuge on the upper floor, due to lack of facilities (food and toilet facilities), when young children could have to remain on site for a period of anywhere between 2 to 6 hours is insufficient;
- The location of the proposed muster point is unacceptable. It lies just outside of the present day flood zones 2 and 3 and, due to the development sites vulnerability, access to this muster point will be restricted by 2075 when taking into account climate change and sea level rise with only one potentially suitable access route on St Marys Street from Northam Road;
- The proposal could result in parents/guardians inadvertently putting more people at risk by seeking to collect pupils in a flood event. Therefore, increasing the burden for the emergency services having to manage a large group of vulnerable people. Notwithstanding the outdoor location of the muster point, the wellbeing of the staff and pupils waiting at the point has not been satisfactorily addressed.

Therefore, the proposal fails to take into consideration the impact of climate change and sea level rise, and the vulnerability of the users on site. The proposal is therefore contrary to policy SDP1 of the adopted City of Southampton Local Plan Review (amended 2015) and policies CS20 and CS23 of the Council's adopted LDF Core Strategy (2015) and policy AP15 of the City Centre Action Plan (2015) as supported by paragraph 160 of the NPPF (2019).

2. REFUSAL REASON - 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. 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;
- iii. 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).
- iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, 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. Submission and implementation of a Travel Plan.

- vi. A community use agreement in accordance with CS11 of the Core Strategy.
- vii. Submission approval and implementation of either a scheme of measures or a financial contribution towards a public art strategy for the site.

57. **PLANNING APPLICATION - 19/01658/FUL - 20 GURNEY ROAD**

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 (C3 Use) to a flexible use for house in multiple occupation (HMO) (C4 Use) or class C3.

Mike Johnson (local resident objecting), Karl Peckham and Michael Davis (applicant), and Councillors Chaloner and Kaur (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer explained that residents had sent in a picture of the road at 7:30 on 30 January 2020 indicating the levels of parking. Residents queried elements of the Parking survey and suggested that due to the proximity of the Shirley High Street that parking could be difficult throughout the day and not just during the hours set out with the Lambeth model. The officer also detailed an amendment to condition 2 of the report, 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 Savage, Mitchell, Coombs, Prior and Windle

AGAINST: Councillors L Harris and G Galton

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

2. **Retention and provision of communal spaces (Performance)**

Prior to the first occupation of the HMO hereby approved, the communal spaces shall be provided for the occupants in accordance with the approved plans. This shall include the ground floor toilet room (W/C) as shown on the approved plans. The rooms labelled kitchen, lounge/diner, bathroom, W/C including the study once the side extension is built and occupied, on the plans hereby approved shall be retained for use by all of the occupants for communal purposes only to serve the occupiers whilst in HMO use.

REASON: To ensure that a suitable communal facilities are provided for the residents.

58. **PLANNING APPLICATION - 19/01963/FUL - THE CONIFERS, WRIGHTS HILL**

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.

Redevelopment of the site. Erection of 6 x 3 bed dwellings with associated parking, bin and cycle storage following demolition of existing dwelling (resubmission of 19/00832/FUL).

Philip Dudley (agent), Philip Cook (applicant), and Councillor Payne (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer amended the recommendation to remove the requirement for the submission of a Carbon Management Plan as the development was not large enough to trigger this requirement. It was noted that the proposed development was sited on an awkward junction. However, it was noted that the problems at the Junction would be addressed by a different process.

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 set out in Appendix 1 of the report.
- (ii) Delegated approval to the Head of Planning and Economic Development to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - a. Either the developer enters into an agreement with the Council under s.278 of the Highways Act to undertake a scheme of works or provides a financial contribution 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);
 - 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 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.
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of 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 be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

59. **PLANNING APPLICATION - 19/01823/FUL - 5 BLENHEIM AVENUE**

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.

Proposed alterations to garage including rear extension and pitched roof to facilitate conversion of garage to home business, Hair Salon.

Pete Thomas, Jerry Gillen (local residents objecting) John Saunders (applicant), and Councillor Cooper (ward councillor/objecting) were present and with the consent of the Chair, addressed 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 set out within the report.

60. **REVIEW OF INFORMATION FOR THE VALIDATION OF PLANNING APPLICATIONS**

Report of the Head of Planning and Economic Development seeking approval for the local validation requirements following a review.

These amended requirements follow consultation with internal consultees and local planning agents and applicants.

RESOLVED that the Panel

1. Approved the proposed changes to the local validation requirements as detailed at Appendix 1 and paragraph 18 of this report, and delegate authority to the Head of Planning and Economic Development to update our systems and the Planning Portal accordingly; and
2. Delegated authority to the Head of Planning and Economic Development to review and approve changes the local validation requirements in the future, in line with NPPF recommendations, following regulation changes and the necessary public consultation.

61. **QUARTERLY DEVELOPMENT MANAGEMENT FIGURES**

The Panel considered and noted the report of the Head of Planning of Economic Development detailing the Planning Department's performance against key planning metrics.