
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 5 DECEMBER 2017

Present: Councillors Denness (Chair), Savage (except item 43) (Vice-Chair), Barnes-Andrews (except item 43), Claisse (except item 43), Hecks, Murphy and Wilkinson

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

RESOLVED: that the minutes for the Panel meeting on 24 November 2017 be approved and signed as a correct record.

43. **PLANNING APPLICATION - 17/00983/FUL - 133 PORTSWOOD ROAD**

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.

Erection of a 5-storey building containing 2 retail units on the ground floor and 64x self-contained student flats on upper floors with associated cycle/refuse storage, following demolition of existing building.

Mr Buckle, Jane Jamesan, Sue Giles, Susan Swallow, Hilary Jackson, Verena Coleman(local residents/ objecting), Richard Buntan (applicant), Mandana Ghayar (architect), and Councillors Barnes-Andrews, Claisse, O'Neill and Savage (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the Panel would be required to confirm a Habitats Regulation Assessment (HRA) for the development. The Panel also noted that additional technical conditions would be required to be added to the application in regard to ecological mitigations and the use of the roof terrace, if the item was approved.

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.

A further motion to refuse planning approval for the reasons set out below, was then proposed by Councillor Hecks and seconded by Councillor Murphy.

RECORDED VOTE to refuse planning permission
FOR: Councillors Hecks, Murphy and Wilkinson
ABSTAINED: Councillors Denness

RESOLVED that the Panel

- (i) Confirmed the Habitats Regulation Assessment, circulated as additional information; and
- (ii) refused planning permission for the reasons set out below.

Reasons for Refusal

Overdevelopment, scale, bulk and massing

The proposed development due to its excessive density, height, bulk and resultant massing in comparison with neighbouring buildings, and overall site coverage results in an overdevelopment of the site which, along with the chosen external appearance, has been assessed as being out of character and context with the local area. As such, the proposal is contrary to 'saved' policies SDP1, SDP7, SDP9 and H7, H13 of the amended Local Plan Review (Adopted 2015) and policy CS5 and CS13 of the amended LDF Core Strategy (Adopted 2015) as supported by the relevant sections of the Council's approved Residential Design Guide (2006), namely 3.2, 3.6.8, 3.7.11, 3.9.5-3.9.6 and 3.10.

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 lieu of an affordable housing contribution from the student residential block an undertaking by the developer that only students in full time higher education be permitted to occupy the identified blocks and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) (or equivalent) in accordance with Local Plan Policy H13(v) this has not been secured;
- (iii) In the absence of Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and 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);
- (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 securing restrictions to prevent future occupiers benefitting from parking permits in surrounding streets overspill parking could occur;

- (vi) In the absence of a mechanism for securing the submission, approval and implementation of a 'Student Intake Management Plan' to regulate arrangements at the beginning and end of the academic year;
- (vii) In the absence of a mechanism for securing the submission and implementation of a Servicing Management Plan;
- (viii) In the absence of a mechanism for securing the submission and implementation of a Travel Plan.
- (ix) In the absence of a mechanism for securing the submission and implementation of a Waste Management Plan.
- (x) 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
- (xi) In the absence of a mechanism for securing the submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners, with contributions towards community safety associated with the needs of the late night commercial uses;
- (xii) 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).

NOTE: Councillors Barnes- Andrews, Claisse and Savage withdrew from the Panel for this Item to make a presentation as a Ward Councillor.