
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 20 SEPTEMBER 2022

Present: Councillors Coombs (Chair), Savage (Vice-Chair), Blatchford, Magee, Prior and Shields

Apologies: Councillors J Payne and Windle.

24. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

Apologies were noted from Cllrs Payne and Windle. Cllr Shields represented Cllr Windle for the purposes of the meeting.

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

RESOLVED: that the minutes for the Panel meeting on 2 August 2022 be approved and signed as a correct record.

26. **THE SOUTHAMPTON (PENNINE ROAD) TREE PRESERVATION ORDER 2022**

The Panel considered the report of the Head of City Services recommending confirmation of the Southampton (Pennine Road) Tree Preservation Order 2022. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED to confirm the Southampton (Pennine Road) Tree Preservation Order 2022.

27. **21/01851/FUL FORMER DEBENHAMS**

The Panel considered the report of the Head of Green City and Infrastructure recommending to delegate to the Head of Planning and Economic Development to grant planning permission subject to conditions and the completion of a s.106 legal agreement in respect of an application for a proposed development at the above address.

Demolition of the existing vacant department store and redevelopment of the site to deliver a residential-led development with the erection of 3 blocks 7-17 storeys in height comprising 607 residential units and 2 no. ground floor commercial units (Use Class E) to East Street, and associated car parking and landscaping and public realm (amended description).

Simon Reynier (City of Southampton Society/objecting), Graham Linecar (Secretary, SCAPPS/objecting), Shaun Adams (agent) National Regional Property Group, Stephen Hodder (agent), Hodder and Partners, Gareth Hooper (agent) DPP Planning, were present and with the consent of the Chair, addressed the meeting.

During the course of the debate, it was agreed to delegate to the Head of Green City & Infrastructure to approve the Habitats Regulations Assessment. Officers agreed to secure amended plans showing: 1:1 long stay cycle parking; enhanced visitor cycle provision; and floorplans to remove toilets/bathrooms being accessed from kitchens.

Further, to discuss with applicants/SCC Highways the potential for an on-site mobility hub and to tighten up the definition of Build to Rent in the s.106 legal agreement, to reflect the guidance from the NPPF. To then grant planning permission subject to the planning conditions recommended at the end of the Panel report (as amended) and the completion of a S.106 Legal Agreement.

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.

RECORDED VOTE

FOR: Councillors Magee, Shields, Coombs, Savage, and Prior.
AGAINST: Councillor Blatchford.

RESOLVED that the Panel:

Delegate to the Head of Green City & Infrastructure to grant planning permission subject to the amendments set out below and the completion of a S.106 Legal Agreement.

- (i) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (ii) 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.

Amended conditions

18. Ecological Mitigation Statement (Pre-commencement)

Prior to the commencement of development a site wide Ecological Management Plan (EMP) in accordance with the recommendations of the Omnia Phase 2 report (Ref A11448/2.0) shall be submitted and agreed in writing with the Local Planning Authority. The development shall be carried out as agreed and the required mitigation shall be installed and retained as agreed.

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

36. Parking (Performance)

The parking and access shall be provided in accordance with the plans hereby approved before each building to which the parking relates first comes into occupation/use and shall thereafter be retained as approved for the lifetime of the development. The on-site parking shall be retained for the residents and visitors of the approved flats and shall not be allocated on more than a 1 space per flat basis.

REASON: To prevent obstruction to traffic in neighbouring roads, in the interests of highway safety and to ensure a good split in parking allocation

37. Electric Vehicle Spaces (Pre-Use) – Increased from 15%

Prior to any building hereby approved first coming into use **20%** of its associated total parking numbers shall be provided as active (ready to be used) electric vehicle charging points with all other spaces to be passive (infrastructure provided for easy and practical future connections) shall be provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The spaces and charging infrastructure shall be thereafter retained as approved and used only for the parking and charging of electric vehicles.

REASON: In the interest of reducing emissions from private vehicles and improving the city's air quality.

Reason: In the interest of reducing emissions from private vehicles and improving the city's air quality.

Amendments to Panel Report/Updates

Correction to indicate this is a Report of the 'Head of Green City & Infrastructure' (rather than Head of Planning & Economic Development) the report title on page 27 and the recommendation on pages 28-29 should be updated accordingly.

Required bat survey has now been undertaken to the satisfaction of the Council's ecologist and this requirement can be removed from point 1 of the recommendation on page 28 of agenda. The Council's Ecologist has requested that ecology condition 18 be updated to secure the mitigation as set out within the phase 2 ecology report.

Correction to amend the first sentence of Para 6.15 on page 65 to add 'all habitable rooms will receive adequate outlook, daylight, and natural ventilation.'

Officer confirmed that the Garden's Trust had been consulted and had raised an objection to the application's impacts on the listed Parks. The report already deals with this issue.

Tilted Balance – Added to para 6.4

The principle of additional housing is supported. The site is not allocated for additional housing, but the proposed dwelling(s) would represent windfall housing development. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4, an additional 16,300 homes need to be provided within the City between 2006 and 2026. The NPPF, and our saved policies, seeks to maximise previously developed land potential in accessible locations.

The NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs. Set against the latest Government housing need target for Southampton (using the standard method with the recent 35% uplift), the Council has less than 5 years of housing land supply. This means that the Panel will need to have regard to paragraph 11(d) of the NPPF, which states that where there are no relevant development plan policies, or the policies which are

most important for determining the application are out-of-date, it should grant permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
[the so-called “tilted balance”]

There are no policies in the Framework protecting areas or assets of particular importance in this case, such that there is no clear reason to refuse the development proposed under paragraph 11(d)(i). It is acknowledged that the proposal would make a contribution to the Council’s five year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling(s), and their subsequent occupation, and these are set out in further detail below to enable the Panel to determine ‘the Planning Balance’ in this case.

Tilted Balance – Added to Summary section

The principle of new residential development is considered acceptable. It is acknowledged that the proposal would make a contribution to the Council’s five year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling(s), and their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development, and the [limited harm] arising from the conflict with the policies in the development plan as set out above, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval. In this instance it is considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are acceptable. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

28. **19/00639/ADV REDBRIDGE ROUNDABOUT, REDBRIDGE ROAD, SOUTHAMPTON**

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

Installation of two freestanding tower structures each containing two internally illuminated LED digital displays.

Simon Reynier (City of Southampton Society/Objecting), was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a change from an informative regarding technical details of the construction being submitted and agreed pre-commencement, 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 Coombs, Magee, Prior, Shields, Savage.
AGAINST: Councillor Blatchford

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below.

1. Amended Conditions

An additional condition was proposed and the 'Note to applicant' at the end of the conditions removed.

4. Technical details of the tower structures (Pre- Commencement Condition).
No groundworks shall take place within the site until technical details of the construction of the towers and groundworks (including works to the embankment) have been submitted and agreed in writing. The development shall be implemented only in accordance with the agreed details.

REASON: in order to ensure the signs can be safely built and do not create a detrimental impact on ground conditions including the embankment.