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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 6 JUNE 2023

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Present: Councillors Savage (Chair), Beaurain, Mrs Blatchford, Cox, A Frampton and Shields

Apologies: Councillor J Baillie

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

It was noted that following receipt of the temporary resignation of Councillor Powell-Vaughan and Windle from the Panel the Director – Legal, Governance and HR acting under delegated powers, had appointed Councillor Shields and J Baillie to replace them for the purposes of this meeting. Apologies from Councillor J Baillie were received.

2. **ELECTION OF VICE-CHAIR**

**RESOLVED** that this item be deferred until the meeting of 27 June 2023.

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

**RESOLVED:** that the minutes for the Panel meeting on 11 April 2023 be approved and signed as a correct record.

4. **THE SOUTHAMPTON (SWIFT HOLLOW) TREE PRESERVATION ORDER 2022**

The Panel considered the report of the Head of City Services

Jurgita Smulskiene was present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that the Panel confirm the Southampton (Swift Hollow) Tree Preservation Order 2022, with amendments as set out in the report.

5. **PLANNING APPLICATION - 23/00153/REG3 - SOUTHAMPTON SPORTS CENTRE**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that the authority be delegated to the Head of Transport and Planning to grant planning permission subject to criteria listed in the report.

Redevelopment of the Sports Centre to provide a new community hub and indoor tennis and netball facility, new Alpine snowsports centre, new family zone, new athletics pavilion and grandstand, new 275 space woodland car park accessed via Dunkirk Road following the removal of a cricket pitch. Together with the provision of new and upgraded football pitches and retention and upgrade of cricket and hockey pitches, improved facilities for cycling and walking and enhanced landscaping. (Departure from Development Plan).

Richard Plume, Simon Reynier- City of Southampton Society, Yvette Rumbold, Michael Hickey (local residents objecting), Tina Dyer-slade, Richard Millard, (applicant), Chris

Grainger, Tracey Jones, Dave Johnston, Lyn Brayshaw (supporters) and Councillors Blackman and Wood (ward councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that an additional objection had been received from Councillor A Bunday in relation to the provision of cricket pitches. It was noted that Hampshire Constabulary had responded to the proposed application and advised that they had raised no objection to the application advising that they would require further details of the access gates to be secured and noted that Condition 11 would be amended to reflect this. In addition it was noted that both the Environment Agency and the Council's Flooding team were reviewing the issues in regard to flood and drainage and these matters would be delegated to resolve the technical matters.

The Planning officer noted that a number of Conditions would need to be amended as set out below.

Upon being put to the vote, the recommendation as amended was carried unanimously.

### **RESOLVED**

1. Delegated to the Head of Transport and Planning to grant planning permission subject to;
  - a. the planning conditions recommended at the end of the report along with any amendment detailed at the meeting and,
  - b. the receipt of satisfactory amended plans and technical mitigation on flood and drainage (providing the submission does not significantly alter the proposed scheme's layout and form).
2. That the Head of Transport and Planning be given delegated powers to add, vary and/or delete relevant parts of the conditions as necessary.
3. In the event that the flood risk objection is not overcome within reasonable timescales, delegate to the Head of Transport and Planning to refuse planning permission.

### **Amended Conditions**

#### 3. Unilateral undertaking agreement (Pre-Commencement Condition)

- i. 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 – as detailed in the Highway Team's response to the planning application - 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) – these works to be delivered prior to first occupation of the new development;
- ii. 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;
- iii. 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);

- iv. 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);
- v. The submission, approval and implementation of a Travel Plan for the facilities (where applicable) to promote sustainable modes of travel in accordance with Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy – This plan is to be delivered prior to first occupation of the new development and following notification/consultation with Ward Councillors and the posting of site notices;

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 the suggested mitigation 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. Hours of Use (Performance Condition)

The buildings hereby approved shall not operate outside of the hours hereby set out:  
06.00am and 11pm (Monday to Saturday) and  
06.00am and 10pm Sundays, Bank and/or Public Holidays

REASON: In the interests of existing and proposed residential amenity

#### 11. Boundary Treatment (Pre-Occupation)

Before the development hereby approved first comes into occupation, any proposed changes to boundary treatment including access gates shall be first submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment/access gates shall be thereafter retained as approved for the lifetime of the development.

REASON: In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

#### 12. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- (i) proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials including permeable surfacing where appropriate, external lighting, structures and ancillary objects (refuse bins etc.);
- (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (iii) The Green Space Factor Tool;

- (iv) 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 including a range of trees sizes including heavy standards (a five-for-one basis as offered by the applicant unless circumstances dictate otherwise and agreed in advance);
- (v) details of any proposed boundary treatment, including retaining walls and;
- (vi) a landscape management scheme.

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 25 years following its complete provision, with the exception of boundary treatment and external lighting which shall be retained as approved for the lifetime of the development.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 25 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 25 years from the date of planting.

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.

#### 19. Green Roof / wall Specification (Pre-Commencement Condition)

Details of the biodiversity (green/brown) roof(s) and wall shall be submitted to and approved in writing by the Local Planning Authority prior to the superstructure works for each building hereby approved commencing on site.

The biodiversity (green/ brown) roof(s) and walls shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) laid out in accordance with plans hereby approved;
- c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum)
- d) The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- e) The biodiversity roof(s) and walls shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter by a qualified maintenance company.

The green/brown roofs must be installed to the approved specification before the building hereby approved first comes into use or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for the lifetime of the development following its complete provision. If the green roof dies, fails to establish or becomes damaged or diseased it 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 the lifetime of development from the date of planting.

REASON: To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 and CS23, combat the effects of climate change through mitigating the heat island effect and enhancing energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy

CS22, contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13, improve air quality in accordance with saved Local Plan policy SDP13.

6. **PLANNING APPLICATION - 23/00079/FUL - 382 WINCHESTER ROAD**

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

Re-development of the site to provide a three-storey 26-bedroom apart hotel providing short-term serviced accommodation, including residents gym/studio, cafe, secure cycle parking, 9 associated on site car parking spaces, space for public e-scooter or e-bike docking station and landscaping (Resubmission 22/00737/FUL).

June Vear, Simon Reyneir -City of Southampton Society, Dave Johnston - Old Bassett Residents' Association (local residents/ objecting), David Jobbins (agent), Max Easton (applicant) and Councillor Blackman (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that additional correspondence from the Applicants Agent had been received and posted online. It was noted that an amended plan had been received on the 5<sup>th</sup> June 2023 detailing the location of a laundry. The officer explained that in the event of the recommendation to refused be overturned and planning permission had been granted, the Council would have prepared a Habitats Regulations Assessment, which would have concluded that this form of overnight accommodation would have an impact upon designated Special Protection Areas. It would then have required the development to secure nitrate credits to mitigate the impact of the development, and its effect on nitrogen loading within the Solent, and a planning condition would have been used to secure those credits. The officer also detail an amendment was required to paragraph 6.12 of the report in order to list the correct results of parking surveys undertaken on the 8<sup>th</sup> and 9<sup>th</sup> September.

Upon being put to the vote the recommendation to refuse planning permission was carried unanimously.

7. **PLANNING APPLICATION - 22/01716/FUL - 2 VICTORIA ROAD**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that the application be conditionally approved.

Change of use from retail to a learning centre and religious worship (class F)  
(Retrospective)

Ibrahim Sen (supporter) was present and with the consent of the Chair, addressed the meeting. In addition the Panel noted that statements had been received, circulated to the Panel and posted online from Barry Hatton and Bob Brunnen.

The presenting officer reported the need for an additional condition that would restrict the use of premises as set out below. During the discussion on the item, Members

raised issues relating to Condition 3 of the application officers agreed to amend their recommended condition as set out below.

Upon being put to the vote, the amendment to the recommendation was carried unanimously.

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

### **ADDITIONAL CONDITION**

#### **Restricted Use (Performance)**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015 as amended, or in any other statutory instrument amending, revoking and re-enacting those Orders, the development hereby approved shall only be used for place of worship and ancillary educational learning; and for no other purpose whatsoever (including any other purpose in Class F1; only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

REASON: In the interests of protecting residential amenity and highways safety.

### **AMENDED CONDITION**

#### **Condition 3 - Premises management plan (Regularisation)**

Within 2 months of the date of the decision notice, a 'Premises Management Plan' shall be submitted to and agreed in writing by the local planning authority setting out measures to manage the use including, but not limited to:-

- The dispersal of attendees leaving the premises – particularly at closing;
- Activities permitted within the internal space and external rear area;
- Closure of windows and doors during noisy activities *if deemed appropriate; and*
- *Storage and collection of refuse bins.*

The use thereafter shall be operated in accordance with the approved 'Premises Management Plan' for the lifetime of the use.

REASON: In the interests of residential amenity, means of escape and highway safety

## **8. PLANNING APPLICATION - 23/00317/FUL - 10 HOLYROOD AVENUE**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that the application be conditionally approved.

Erection of a single storey rear extension.

The Panel received a statement from the High Fields Resident's Association objecting to the application and noted that this had been posted online.

The presenting officer reported that no changes or updates were required to the report.

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.