

Planning and Rights of Way Panel

Tuesday, 15th February, 2022
at 4.00 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor L Harris (Chair)
Councillor Prior (Vice-Chair)
Councillor Coombs
Councillor Magee
Councillor Savage
Councillor Vaughan
Councillor Windle

Contacts

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ADDITIONAL INFORMATION AND PRESENTATIONS

5 **PLANNING APPLICATION - 20/00255/FUL - SOUTHAMPTON COMMON** (Pages 1 - 2)

Statement from SCAPPS

6 **PLANNING APPLICATION - 21/01534/FUL - 220 BURGESS ROAD** (Pages 3 - 10)

Statements of support and objection

9 **PLANNING APPLICATION - 21/01352/FUL - 7 LEIGH ROAD** (Pages 11 - 12)

Statement

Service Director, Legal & Governance

SOUTHAMPTON COMMONS & PARKS PROTECTION SOCIETY

20/00255, widening Lovers Walk, The Common Addition to SCAPPS objection, responding to submission of amendments

1 SCAPPS sustains its objection (14 March 2020). The application was made two years ago. The applicant's statement of 22 December 2021 does not resolve and remove SCAPPS' objections. The application should be rejected and proposals for Lovers Walk reviewed.

2 Much has changed in the two years since the application was submitted. Segregated cycle lanes have been installed on The Avenue, parallel to Lovers Walk south. It seems there's lasting change to work and travel after covid; significantly for this proposal, the University has changed how it arranges and timetables student contact. Covid led to increased recreation use of The Common, and intensified appreciation of the importance for health and well-being of access to natural, green spaces.

3 The applicant's 22 December 'Additional information', and other material submitted in December, include no image showing what the widened path would look like and no assessment of effect on landscape character and appearance, despite damage to landscape character and appearance being a reason for objection. No decision should be made without that information.

4 SCAPPS was not alone in objecting because of damage to landscape character and appearance. Many representations the Planning website categorises as 'Support' express reservations about avoiding damage to landscape and wildlife. The City Council's Parks and Open Spaces Manager objected because 'The footpath proposed is of a width that is out of character for this part of The Common'. The Urban Design Manager raised concern that no assessment of visual impact had been provided. Since submission of the application, an Inspector's decision letter on a section 38 application on The Common (19 November 2020) included the caution that more tarmac and more signs have an undoubted urbanising effect.

Landscape objection

5 Lovers Walk winds attractively through a natural, mainly wooded part of The Common. It was carefully designed and laid out to enhance that setting – it follows contours and is of a width proportionate to its setting. More or less doubling the width of the northern section would make it look more like a road than a woodland path. A wider path, 1422 sq m more tarmac, would, visually, have an undesirable and unavoidable urbanising effect.

6 The Design and Access Statement's only reference to impact of the proposed development on landscape character and appearance is at the end of paragraph 3.7 headed Appearance – 'With the existing path also being tarmacadam, it is considered that the visual impact of a widened path will be minimal', with no explanation of what was taken into account in reaching that conclusion.

No proven 'need'

7 A casual visit will dismiss misapprehension Lovers Walk is thronged with pedestrians, with cyclists weaving among them. Pedestrian flows are modest, and exceed cycle traffic. At the time the application was made, the one section with higher use (for a brief period on days in University term-time) was from Highfield Lane to the University steps. That pattern has changed with change in the way the University arranges student contact; timetabling no longer results in large numbers simultaneously converging on Highfield Campus. That section of Lovers Walk is closely paralleled by Furzedown Road; a cycle lane could easily be marked on the highway reducing cycle use on Lovers Walk.

8 SCAPPS objection challenged assertions of high volume of traffic and claims of ‘conflict’ and ‘congestion’. No new, post-covid, figures of pedestrian and cycle use and purpose of journey (‘through-travel’ versus recreation) have been submitted. Lovers Walk is a path in a tranquil, natural part of The Common. Many users, walking or on cycles, are there to enjoy a green space. Their enjoyment should not be compromised by widening the path, damaging landscape character and appearance, for the supposed benefit of cyclists on through-journeys and to advance a misplaced notion of promoting ‘green commuting’.

9 Since the application was submitted, cycle lanes have been installed on The Avenue. The applicant acknowledges the southern section of Lovers Walk is closely paralleled by the new segregated cycle lanes on The Avenue, and signs will encourage cyclists to use The Avenue in place of Lovers Walk south.

10 Much of the 22 December ‘Additional information’ tries to give assurance cyclists on shared use paths will respect other users, and tries to explain the changing policy context of the City Council’s Cycle Strategy and its proposals for the SCN5 cycle corridor. SCAPPS remains concerned by shared-use paths in parks being signed as part of these strategic cycle network routes. Paths in parks are not suitable for high-speed commuter type cycling. Lovers Walk is, first and foremost, a path in a park. Its use by cyclists on through-journeys is subsidiary. Widening would not resolve inherent conflict, and could make it worse by encouraging cycling at higher speed and with an exaggerated sense of entitlement.

Review the proposals

11 SCAPPS asks for the application to be rejected and proposals reviewed. SCAPPS has long asked for improvements to Lovers Walk – but not widening throughout its length. SCAPPS is not opposed to cyclists using the path. The path needs resurfacing and improvement to surface-water drainage; in places that may require reconstruction (at least one culvert needs replacing). There needs to be a commitment to a maintenance regime removing overhead holly and laurel, which shade and darken the path, and to keeping path margins clear of fallen wood and undergrowth. Path margins need, in places, reconstruction to bring them level with the path. A ‘no-dig’ condition may therefore be inappropriate.

12 SCAPPS supports tarmac surfacing of the newly-constructed consolidated-gravel path between Winn and Westwood Roads and reconstruction and widening of the narrow section Oakmount Avenue to Highfield Road and the spur connecting Lovers Walk to the University steps. Widening the entire length of Lovers Walk is unnecessary, will not (as the application claims) make it safer and more comfortable for pedestrians, the majority user of the path, and would damage character and appearance of an attractive and often secluded-feeling part of The Common.

‘Mitigation’ proposals

13 The 22 December document has a section ‘Biodiversity offset area’. The initial application acknowledged the need to compensate for laying an additional 1422sq m of tarmac and for damage to ecology/wildlife. No mitigation was ever proposed in compensation for damage to landscape character and appearance. The applicant is now making no proposals for mitigation in compensation for proposed hard surfacing and in compensation for ecological and landscape damage. SCAPPS rejects as completely unacceptable leaving mitigation as a reserved matter. Determination of the application should be deferred until the applicant has submitted mitigation proposals to be considered alongside the development proposed.

6 February 2022

Agenda Item 6

220 Burgess road

I have already made a comment in support of the application but am unable to be there to make a further comment on Tuesday due to my teaching commitments.

I would like to support the application being brought forward for 220 Burgess Road. I believe the shop owners to be very responsible and respectful of their community surroundings. I am confident they would take all sensible steps to respect other businesses and residents in the area and would act proactively to respond to any feedback. I believe that what they are proposing would have a positive effect on the area and help create a better environment for the business community along that road.

Cllr Matt Bunday
Labour Councillor for Swaythling
@matt_bunday

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Development Management,
Southampton City Council,
Lower Ground Floor,
Civic Centre,
Southampton, SO14 7LY.

Your Reference: 21/01534/FUL Site Code 10911

Application Number: 21/01534/FUL

Statement in Objection

Dr Mohammed Al-Gholmy
222 Burgess Road, Southampton, SO16 3AY.

My name is Mohammed Al-Gholmy and I am the business owner of the University Dental Practice based at 222 Burgess Road, immediately next door to the proposed Pergola outside sitting area to the front of 220 Burgess Road.

I am responsible for over 4000 NHS Dental Patients registered at the University Dental Practice. I am held responsible for their care with the NHS Commissioners and the Care Quality Commission with whom I am the registered Clinician and Manager.

My objection to the structure erected to the front of 220 Burgess Road is purely with the welfare of our patients in mind. I have no wish to impact the livelihood of the neighbours next door, but I am duty-bound to officially raise my concerns as follows;

1. Patient welfare concerns. (Noise and Odours)

* The outside seating area will allow a concentration of users in the pergola. This will generate an unacceptable level of noise which will disrupt the intricate dental work that is taking place in the upstairs surgery overlooking Burgess Road. NHS England have released guidance instructing all health care settings to have the windows OPEN while working to aid ventilation in the surgeries due to the Pandemic. The noise will be extremely disruptive to our patients and staff.

* There will also be a degree of smokers seated in the outside pergola and this will also rise into the surgery and upstairs seating area with the detrimental side effects of smoking on our patients and staff.

* The smell of the food served outside will also be detrimental to our patients and staff. Our opening hours extend beyond 8pm on some evenings.

* So from 12 midday to 8pm the smell of the food being served outside will enter the dental practice and this will negatively impact the standard of care we are able to provide our patients.

2. Reduced visibility to Emergency Services (Structural Concerns)

The pergola obstructs our shop front to the emergency services and to passers by.

We are obliged to provide a safe environment for our patients and staff, and an ambulance approaching from the University side of Burgess Road will not see our Dental Practice until they are immediately opposite our establishment. This may necessitate the loss of valuable minutes that may be detrimental to patient care.

* The height and width of the pergola is unprecedented, and this structure also reduces natural light from entering the reception and waiting area downstairs creating a gloomy environment for our patients and staff.

* The pergola forms a right angle to our front entrance and this creates a vortex of wind where rubbish collects. This problem creates a concentration of polystyrene kebab plates and napkins outside our front door. This is unhygienic and not tolerable and negatively impacts our business and our service users.

3. Unprecedented change of character in Burgess Road.

The pergola will significantly change the character of Burgess Road. The height and width of the pergola is significantly out of character for Burgess Road and is unprecedented. There are 16 restaurants and take aways on Burgess Road and this construction will set a precedent for every shop owner to construct an outside area to the front of their shops which will create a significant degree of change of character to the area. We have a petition signed by a small sample of our local registered patients objecting to this outside seating area.

Please accept my gratitude for taking the time to consider the points I have raised in this statement and to consider them in conjunction with other objectors to this application.

Kind regards,



Dr M Al-Gholmy

Principal Clinician University Dental Practice

Director & CQC Registered Manager University Dental Practice

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Agenda Item 6

Appendix 4

As a local resident and business owner I am excited by the plans proposed for outside seating area. Burgess road has, over time become run down and has lacked care and attention and the addition of some well kept outdoor seating will be a great addition from an aesthetic point of view. It certainly will not detract from any surrounding buildings given that there are none of any particular high standard or specific interest. The buildings adjacent from what I can see have business hours that tend to be different to when the peak usage of the area would be. You can also see that the way the current front space is kept by uni kebab would indicate that the area would look well kept. Uni kebab is currently the only eatery on Burgess road to care around hanging baskets and nice plants outside. I fully anticipate that this will be the case at 220 Burgess road. As a local resident I am not concerned about anti social behaviour or noise and am confident that the owners would put in place measures to control this. Burgess road has always been prone to noise late at night but I cannot see how well managed eating area would cause any vast increase in noise. As the summer months come around it will be fantastic for local families to have an outdoor area to use with an emphasis on quality food rather than alcohol. The prospect of undercover seating area at a well run, locally loved and highly respected eatery should be encouraged.

Kind regards

Rebecca Taylor
24 Elmsleigh Gardens
SO16 3GF

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Agenda Item 9

As next-door neighbours of 7 Leigh Road we are objecting to the application on the grounds that it will have a direct material impact on our property, 5 Leigh Road, specifically because it will result in loss of light and loss of privacy.

As stated in our previously submitted objection, the Southwest facing dormer would block considerable light from entering our property through a large skylight in the NE roof face (#7). This skylight provides substantial daylight into the upper floor of #5 throughout the day, as well as having line of sight from the hall and a first-floor bedroom into #7's proposed dormer. The skylight has been part of the property since it was built, and is visible in Google Maps satellite photos

(<https://www.google.com/maps/place/5+Leigh+Rd,+Southampton+SO17+1EF/@50.9258651,-1.4028456,32m/data=!3m1!1e3!4m5!3m4!1s0x48747406cb407c31:0x1e29fcec0e79dd1c!8m2!3d50.9259938!4d-1.402925>)

Frustratingly, the Planning Application Report of the Head of Planning & Economic Development

(<https://www.southampton.gov.uk/modernGov/documents/s54769/7%20Leigh%20Road.pdf>) has not acknowledged the existence of the skylight in 5 Leigh Road and the potential impact of the application, as section 6.4.2 states "It is noted that the property [#7] does not currently contain any fenestration or opening on the south west (side) elevation. It is proposed to insert a side dormer window serving a bedroom into this elevation. Whilst it is not proposed for this dormer to be obscure glazed, ***it would look out onto the plain roof slope*** of the neighbouring property #5 and would not provide any direct overlooking onto the neighbouring property."

At the time of submitting our objection to the council, we highlighted this issue to our neighbours who had been previously unaware of the existence of our skylight; their proposed changes to the plans have not addressed our concerns.

Yours faithfully

Ed Easton and Kieran Ingram
5 Leigh Road
Southampton
SO17 1EF

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