

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 18 AUGUST 2008

Present:

Councillors Dean (Chair), Holmes (Vice-Chair), Mrs Blatchford, Cunio, Fitzhenry and Walker

Apologies:

Councillor Davis

15. 08/00389/OUT – FORMER VOSPER THORNEYCROFT SHIPYARD, VICTORIA ROAD, WOOLSTON

The Panel considered the report of the Development Control Manager seeking determination of Planning application 08/00389/OUT (Former Vosper Thorneycroft Shipyard, Victoria Road, Woolston) for the redevelopment of the site to provide a mixed development (Copy of report circulated with the agenda and attached to the signed minutes).

Mr Cusdin (SEEDA), Mr Patel (Architect), Ms Debbie Aplin (Developer), Ms Christine Soloman-Olsen (Southampton and Fareham Chamber of Commerce), Mr A Middleton (Woolston Community Association), Ms Jane Foster (Woolston Community Association), Mr Donnaruhma (Woolston Community Association), Mr Ratcliffe (Local Resident), Mr Johnson (Local Resident) Mr Caves (Local Resident), Mr Whitingsteel (Local Resident), Mr Cook (Local Resident), Mr Batholomew (Local Resident), Mrs Lyons (Local Resident) Mrs Spark (Southampton Resident), Councillor Smith and Councillor Payne were present and, with the consent of the Chair, addressed the meeting.

AN AMENDMENT TO THE OFFICER RECOMMENDATION was proposed by Councillor Walker and seconded by Councillor Holmes "that the applicant's submit further justification and feasibility for additional residential car parking in line with amendment to Condition 56 (below) concerning car parking levels"

RECORDED VOTE:

FOR: Councillors Cunio, Dean, Fitzhenry, Holmes and Walker

AGAINST Councillor Mrs Blatchford

UPON BEING PUT TO THE VOTE THE OFFICER'S RECOMMENDATION AS AMENDED ABOVE TO DELEGATE AUTHORITY TO THE DEVELOPMENT CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED.

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Dean, Holmes and Walker

AGAINST: Councillors Cunio and Fitzhenry

RESOLVED:

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-

- (a) Approval of the Appropriate Assessment under the provisions of the Conservation (Natural Habitats, etc) Regulations (1994) following consideration by Natural England;
- (b) no objections being raised by the Government Office for the South East (GOSE) following the referral of this application in accordance with Circular 15/93 Town and Country Planning (Shopping Development) Direction (1999); and,
- (c) no objections being raised by the Government Office for the South East (GOSE) following the referral of this application as a departure to the current Local Plan's maximum parking standards in accordance with Circular 07/99 Town and Country Planning (Development Plans & Consultation) (Departures) Directions (1999);
- (d) the conditions in the report and the amended and additional conditions below;
- (e) that the applicant's submit further justification and feasibility for additional residential car parking in line with the amendment to Condition 56 (below) concerning car parking levels;
- (f) the applicant entering into a Section 106 Legal Agreement to secure the following:-
 - 1 a scheme for the safeguarding of highways in the vicinity of the site and leading to and from the site from unacceptable construction and delivery transportation damage (including a highway condition survey and reinstatement strategy on a phase by phase basis);
 - 2 details of how any unexploded ordnance will be resolved, including any off-site works;
 - 3 a Green Travel Plan for both residential and commercial land uses to be secured prior to the implementation of development with ongoing review. The Green Travel Plan to include a "Car Club";
 - 4 testing on a phase by phase basis for the possible screening or disruption in signal of emergency service communications together with the implementation of suitable mitigation measures;
 - 5 the provision of a minimum 25% affordable housing units in accordance with Policy H9 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - 6 targeted recruitment and training in relation to employment of local people related to the development (both during and after construction phases);
 - 7 the specification, tenure and implementation of the D1 community uses to include a new library, additional healthcare provision and a day nursery. The Council to be involved with the design of the space and the selection of the day nursery operator;
 - 8 A financial contribution towards a temporary 25 place day nursery to

- be used off-site until the on-site facility is available
- 9 A pier or jetty of an agreed specification to facilitate public access to marine displays, the berthing of historic vessels and to enable provision of a waterbus/water-taxi service;
 - 10 a CCTV network linked to the city wide system to be implemented as part of the phased development;
 - 11 Obligations relating to resource conservation measures and the implementation of a Combined Heat and Power (CHP) facility for the development to comply with Local Plan Policy SDP13;
 - 12 The applicants submitting a revised “Design Code” prior to the commencement of development and the subsequent compliance with the Design Code, as may be subsequently amended, as part of the implementation of the Reserved Matters;
 - 13 The submission, approval and implementation of public art that is consistent with the Council’s Public Art ‘Art People Places’ Strategy and that involves a lead artist to develop this comprehensively for all phases of the development
 - 14 A financial contribution and/or on-site provision with ongoing maintenance towards public open space required by the development in line with policies CLT5 and IMP1 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended
 - 15 Either a financial contribution towards site specific transport contributions for highway and pedestrian facility improvements in the vicinity of the site or provision to implement an agreed series of works under S.278 of the Highways Act in line with policies SDP3, SDP4 and IMP1 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended). Scheme to include:
 - Improvements of the Portsmouth Road junction with Victoria Road;
 - The implementation of the Woodley Road one way system;
 - Traffic calming of Johns Road and Obelisk Road;
 - Additional Peartree Avenue traffic calming measures;
 - A “Puffin Crossing” at the Itchen Bridge;
 - Improvements to the Manor Farm Road/Portsmouth Road Roundabout;
 - The implementation of a Woolston District Centre Traffic Calming and Public Realm Improvement Scheme
 - 16 Strategic transport contributions for highway network improvements in the wider area including a public transport contribution;
 - 17 A post completion TV Reception Study on a phase by phase basis with mitigation works undertaken at the applicant’s expense in accordance with the Environmental Statement;

- 18 An automatic air quality monitoring station at an agreed location to be operative during the whole construction period and for two-years following the final completion of the development;
 - 19 An off-site contribution towards improved facilities at the St. Mark's Institute for the benefit of the youth of Woolston;
 - 20 An automatic air quality monitoring station at an agreed location to be operative during the whole construction period and for two-years following the final completion of the development;
 - 21 The setting up and establishment of a management company for the long term maintenance of the River Edge including litter management;
 - 22 Retention of public access across and through the site and the creation of a series of "permitted routes" along delineated footpaths and adjacent to the riverside walkway. All "permitted routes" routes to be privately maintained;
 - 23 Contributions towards enhanced nature conservation at Shoreburs Greenway, Peartree Green and Weston Shore to reduce impact of development on loss of nesting/foraging habitats;
 - 24 Funding for any necessary Traffic Regulation Orders
 - 25 Construction Traffic Management Plan including off-site routes and times for deliveries;
 - 26 The implementation and ongoing provision of Controlled Parking Zones as required;
 - 27 Carry out a feasibility study regarding the retention in situ, or the retention on the site, or the relocation off site of the riverside crane and the wrought iron gates and supports to the site from Victoria Road.
- (ii) that the Solicitor to the Council be authorised to complete an agreement or agreements under Section 278 of the Highways Act (1980) in respect of works to the highway network; and
- (iii) that the Development Control Manager be authorised to refuse permission if the Section 106 Agreement is not completed within a reasonable time period following the date of this Panel meeting (not exceeding 6 months) on the grounds of failure to secure the provisions of the Section 106 Agreement.

AMENDED CONDITIONS

29. APPROVAL CONDITION – A3 Hours of Use Restriction

Any A3 restaurant uses hereby permitted shall not operate outside the following hours:

Monday to Thursday	11.00 to 23.30 (11.00am to 11.30pm)
Friday and Saturday	11.00 to 00.30 (11.00am to 00.30am)
Sundays and public holidays	12.00 to 23.00 (12.00pm to 11.00pm)

unless otherwise agreed in writing by the Local Planning Authority.

Any A3 cafe uses hereby permitted shall not operate outside the following hours:

Monday to Saturday	07:00 to 19:00 (07.00am to 07:00pm)
Sundays and public holidays	08.00 to 19.00 (08.00am to 07:00pm)

unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In order to control the use in the interests of amenity

40. APPROVAL CONDITION – Foodstore Concessions & Comparison

The A1 (foodstore) retailing floorspace hereby approved shall not provide more than 450sq.m of comparison goods, and the store itself shall exclude any concessions' units such as post office, pharmacy, dry cleaners, travel agents, film processing or hairdressers unless otherwise agreed in writing with the Local Planning Authority as part of any Reserved Matters application pursuant to this planning permission for that relevant phase.

REASON:

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site, and as a case has been made within the submitted Environmental Statement for the agreed levels of non-food based retail.

56. APPROVAL CONDITION – Residential Parking

The residential parking shall be provided on a phase by phase basis across the development at a ratio of 0.84 parking spaces per 1 bed dwelling, and 1 parking space shall be provided for each 2, 3 and 4 bed dwelling hereby approved. No more than 1 parking space shall be allocated to each dwelling unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To ensure that the scheme provides a suitable level of parking for each phase to serve its needs and as a case has been made in this instance for a departure from the Council's current maximum parking standards.

92. APPROVAL CONDITION – Marine Employment Retention

The premises identified for marine employment activities in Blocks L, P1, P2, P3, N1 and N2 shall be used for such activities and for no other purpose (including any other purpose in Class B1, B2 and/or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written approval of the Local Planning Authority.

REASON:

To allow the Local Planning Authority to retain control over the intended use in the interests of local amenity and the wider employment offer for Woolston.

ADDITIONAL CONDITIONS

95. APPROVAL CONDITION – Courtyard Gates

Prior to the commencement of Blocks B1, C1, D1 and/or E1 as hereby approved details shall be submitted for the means of enclosure into the proposed courtyards. The details shall include the design, materials and management. The agreed details shall be implemented prior to the first occupation of the blocks to which they relate and shall be retained and managed as agreed during the lifetime of the development.

REASON:

In the interests of reducing crime and disorder and to prevent non-residents loitering within the proposed courtyard areas in accordance with the comments received from Hampshire Constabulary.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out in the Planning and Rights of Way Panel Report (and repeated below). The Council has also taken into account:

- the findings of the Environmental Statement and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999;
- An appropriate assessment in accordance with the Conservation (Natural Habitats etc) Regulations 1994;
- The Woolston Riverside Planning Brief and Illustrative Master plan 2004; and
- The extant planning permission for this site (05/00816/OUT refers)

The development will mark a significant change in the relationship of the site to Woolston and offers far reaching regeneration benefits. These benefits, in terms of physical and community renewal, tangible job creation, new homes (including an increase in traditional family housing when compared with the extant SEEDA planning permission), community facilities and the creation of a distinctive place with improved access to the river have been weighed against the concerns raised by residents about traffic, parking, dense high-rise urban development in close proximity to existing dwellings, and its subsequent integration into Woolston.

It has also be taken into account that although a single and major employer has been lost from the site, the development brings an opportunity to remove the contamination, pollution, and disturbance generated by the former shipyard.

The proposed development makes efficient use of this previously developed site and would result in the regeneration of urban land, improving security in the area through an increase in occupation and passive surveillance, whilst opening up the riverside environment to the public. The assessments of the impact of the development have been wide ranging and carried out to a comprehensive level of detail. The statutory regulations covering environmental impact assessment and the protection of important natural habitats have been satisfied. Other material

considerations do not have sufficient weight to justify refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Planning permission should therefore be granted

Policies of the City of Southampton Local Plan.

SDP1-SDP17; SDP20-22; NE1-5; HE6; CLT1; CLT2; CLT5; CLT6; CLT6; CLT7; CLT11; L4; H1-3; H7-12; REI1; REI5; REI7; REI15; HC3; T1; MSA18 and IMP1

16. 16.1 08/00629/FUL Part of former Vosper Thorneycroft Shipyard, Victoria Road, Woolston

Redevelopment of the site to provide industrial buildings (Class B2) with ancillary office accommodation, storage, access and parking to serve a super yachts manufacturer (total floor space of 20,240 square metres) and associated works including new marine structures (Environmental Impact Assessment Development). (135 Parking Spaces)

Mr G Hall (Agent), Mr Caves (Local Resident), and Councillor Payne (Ward Councillor) were present and, with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE DEVELOPMENT CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY.

RESOLVED:

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-
 - (a) the conditions in the report and the amended and additional conditions below;
 - (b) the applicant entering into a Section 106 Legal Agreement to secure the following:
 - 1 a highway condition survey;
 - 2 a Green Travel Plan;
 - 3 targeted recruitment and training;
 - 4 the submission, approval and implementation of public art;
 - 5 site specific transport contributions;
 - 6 strategic transport contributions for highway network improvements;
 - 7 a post completion TV Reception Study;
 - 8 funding for any necessary Traffic Regulation Orders; and,
 - 9 construction Traffic Management Plan
- (ii) that the Solicitor to the Council be authorised to complete an agreement or agreements under Section 278 of the Highways Act (1980) in respect of works to the highway network; and

- (iii) that the Development Control Manager be authorised to refuse permission if the Section 106 Agreement is not completed within a reasonable time period following the date of this Panel meeting (not exceeding 6 months) on the grounds of failure to secure the provisions of the Section 106 Agreement.

AMENDED CONDITION

40. APPROVAL CONDITION – Archaeological work programme

The developer will secure the completion of a programme of archaeological work within an agreed timescale in accordance with the written scheme of investigation which has been agreed by the Local Planning Authority in relation to Condition 39 above.

REASON:

To ensure that the archaeological investigation is completed.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out in the Planning & Rights of Way Panel Report (and repeated below). The Council has also taken into account:

- the findings of the Environmental Statement and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999;
- The Woolston Riverside Planning Brief and Illustrative Master plan 2004; and
- The extant planning permission for this site (05/00816/OUT refers)

The development will mark a significant change in the relationship of the site to Woolston and offers far reaching regeneration benefits. These benefits, in terms of physical and community renewal, tangible job creation and the creation of a distinctive place have been weighed against the traffic generation, its subsequent integration into Woolston and the objection to the scheme by the Environment Agency.

The proposed development makes efficient use of this previously developed site and would result in the regeneration of urban land, improving security in the area through an increase in occupation and passive surveillance. The assessments of the impact of the development have been wide ranging and carried out to a comprehensive level of detail. The statutory regulations covering environmental impact assessment and the protection of important natural habitats have been satisfied. Other material considerations do not have sufficient weight to justify refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Planning permission should therefore be granted

Policies of the City of Southampton Local Plan.

SDP1-SDP17; SDP20-22; NE1-5; HE6; CLT1; CLT2; CLT5; CLT6; CLT6; CLT7; CLT11; L4; HC3; T1; MSA18 and IMP1.