
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 26 October 2010

Present: Fitzhenry (Chair), Jones (Vice-Chair), Letts (except Agenda Item 11), Osmond, Slade, Samuels (except Agenda Item 10) and Thomas

Apologies: Councillor Raymond Mead

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

The Panel noted that Councillor Samuels was in attendance as a nominated substitute for Councillor Mead in accordance with Council Procedure Rule 4.3.

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

RESOLVED that the Minutes of the meetings held on 31st August 2010 and 21st September 2010 be approved and signed as a correct record.

CONSIDERATION OF PLANNING APPLICATIONS

Copy of all reports circulated with the agenda and appended to the signed minutes.

70. **LAND AT SOUTHERN CORNER OF ST JAMES ROAD AND SALEM STREET - 10/00879/FUL**

Erection of a two storey building comprising of food retail unit at ground floor (270. sq.m) and 4 flats at first floor (4x1- bed) with associated bin and cycle storage, associated parking for the retail unit and siting of condenser unit to rear.

Mr Reeas (Applicant), Mr Davies (Architect), Mr Cahill, Mr Gould, Miss Jeffries, Mr Poindexter, Mr Stokes and Mr Traves (Local Residents) and Councillor Matthews (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO REFUSE CONDITIONAL PLANNING PERMISSION WAS CARRIED

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Letts Osmond, and Samuels

AGAINST: Councillor Slade and Thomas

RESOLVED that conditional planning permission be refused for the reasons set out below.

REASONS FOR REFUSAL

1 - Design

Whilst the principle of a mixed use redevelopment scheme is accepted, the proposed development will, in the opinion of the Local Planning Authority, result in an incongruous addition to the street scene by reason of its poor/confused design solution, its relationship with the existing pattern of development and the excessive site coverage (building and hard-standing) with a limited setting to the building. Furthermore:-

- (a) the proposed building's footprint and width, associated hard-standing and overall layout results in an excessive site coverage that fails to respond to the spatial characteristics and building to plot ratios of its context;
- (b) the emphasis of the proposed design and layout on access, parking, and servicing which dominate the frontage results in a building that places these needs ahead of a legible design solution;
- (c) the proposed refuse storage facility is insufficient in scale to accommodate refuse bins capable of serving the needs of the occupants of the proposed residential units.

The combination of these design weaknesses results in a building that fails to respect the character of the area or introduce a building of significant architectural merit and, as such, the proposed development is considered to be contrary to "saved" policies SDP7 (iii) (iv) (v) and SDP9 (i) (iv) (v) of the adopted City of Southampton Local Plan Review (March 2006) and Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

2 - Residential Environment

The Local Planning Authority is not satisfied that the proposed first floor residential accommodation provides an attractive and acceptable living environment for prospective residents, in particular:-

- (a) notwithstanding the proximity of St James Park (and the amenity offered by the grounds to Shirley Parish Church) the proposals fail to provide sufficient external space which is fit for its intended purpose to serve the on-site amenity space needs of prospective residents, as required by adopted City of Southampton Local Plan Review (2006) Policy SDP1(i) as supported by paragraph 2.3.14 and section 4.4 of the Council's approved Residential Design Guide SPD (2006);
- (b) poorly located refuse storage facilities are proposed in relation to the entrance to the residential units, whereby residents will have to exit the private area serving the flats in order to use the refuse store.

Accordingly the scheme does not comply with the Council's adopted Policy SDP1 (i) of the adopted City of Southampton Local Plan (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

3 - Direct Impacts

In the absence of a completed S106 Legal Agreement or Unilateral Undertaking, the proposal fails to mitigate against its direct impacts and does not therefore, satisfy the provisions of Policy CS25 (The Delivery of Infrastructure) of the Council's adopted LDF Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- (a) measures to support sustainable modes of transport, the strategic highway network, and site specific highway requirements (such as necessary improvements to public transport facilities and pavements in the vicinity of the site) have not been secured contrary to the adopted City of Southampton Local Plan Review (March 2006 Policy SDP1 as supported by policies CS18 and CS25 of the Council's adopted LDF Core Strategy (January 2010);
- (b) in the absence of a commitment to undertaking an off-site highway condition survey the development fails to explain how its impacts will be managed both during and after the construction phase.

71. **258 BROADLANDS ROAD 10/00409/FUL**

Part two storey part single storey rear extension to a C4 (HMO) dwelling house to create a property with 5 bedrooms and shared communal facilities.

Mr Sahota (Applicant) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

RESOLVED that conditional planning approval be granted subject to the conditions in the report and the amended conditions below.

Amended Conditions

Delete Condition 6 – replaced with informative advising that number of residents restricted as in C4 of the Use Classes Order.

7 - Change of title from “Use of garage” to “Use of lounge”.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. A family home can be re-established as there are only external physical changes proposed. The occupation of this property is not considered likely to result in an intensification of activity resulting in a material increase in the level of noise and refuse generated from the site. Other material considerations including the impact on the amenity of adjoining occupiers or the character of the street have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006); and CS13 and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

72. **SHIRLEY AVENUE, SO15 5NG - 10/00889/FUL**

Erection of a single storey dwelling to rear of 30 Shirley Avenue with associated parking and access from Howards Grove

The Panel noted that this application had been withdrawn.

73. **REAR OF 336-340 PORTSMOUTH ROAD 10/01093/FUL**

Erection of 2x3-bed semi-detached bungalows with associated parking and cycle/refuse storage

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Letts, Osmond, Thomas and Samuels

AGAINST: Councillor Slade

RESOLVED that conditional planning approval be granted subject to the conditions in the report and the amended condition set out below.

Amended Conditions:

5 - Landscaping detailed plan

Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall include the existing area of hardstanding to the south of the application site/adjacent to the common boundary with 245 Upper Weston Lane and to the front of 2 and 4 Cherry Blossom Court. New planting shall take place along the common boundary with 245 Upper Weston Lane. It shall also include the re-location of any authorised car parking where necessary, but so as to ensure a minimum of 2 car parking spaces is afforded to 1-5 Cherry Blossom Court (i.e. including the 2 bungalows hereby approved).

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 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 5 years from the date of planting.

The approved scheme 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 5 years following its complete provision.

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. Also to ensure that the potential for any light pollution from motor vehicle headlights to occupiers of 245 Upper Weston Lane, when vehicles enter the site, is mitigated.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Having regard to the extant permission under reference 08.00911/FUL for the erection of a single bungalow on part of the 10/01093/FUL application site, the design and scale of the proposed dwellings respond successfully to the context and character of the immediate area. It provides additional family sized homes, which make a positive contribution to the mix of housing available within this location. It also provides an appropriate residential environment for future occupants of the site without adversely affecting the residential amenity of neighbouring dwellings. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 Planning Permission should therefore be granted. 'Saved' Policies - SDP1, SDP5, SDP7, SDP9, H1, H2, H7, of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS19, and CS20 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing 2010) are also relevant to the determination of this planning application.

74. **THORNERS HOMES REGENTS PARK ROAD SO15 8NW - 10/01090/FUL**

Re-development of the site to provide 63 flats (1 x one-bedroom, 62 x two-bedroom) and 11 houses (4 x two bedroom and 7 x three bedroom) and one 2 x bedroom bungalow in single, two and three storey buildings with associated access and parking

Mr Sayle (Agent), Ms Lodwick (Chief Executive – Thorners Homes Trustees Board), Mr Avery (City of Southampton Society), Mr Young (Chair of SCC Architects Panel); Mr Boswell, Mr Dowell and Ms Wilkins (Local Residents), Councillor Mead (Board Member – Thorners Homes) and Councillor Norris (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION 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 Planning and Development 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:-
1. financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 2. a financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 3. financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended):-
 - Children's playspace (for the general needs housing element only)
 - Amenity Open Space ("open space" for all parts of the development)
 - Playing Field (for the general needs housing element only);
 4. submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 5. an agreement to pay the council or their partner company's supervision fees related to working on the highway;
 6. with the exception of the managers living accommodation, not allow any part of the active elderly accommodation to be permanently occupied as a primary place of residence by any person under the age of 55 years old;
 7. the implementation of the submitted Travel Plan in respect of the active elderly accommodation proposed only, to appoint a Travel Plan Co-ordinator to liaise with Southampton City Council's Travel Plan Officer and manage the implementation of the Plan monitoring the implementation for a period of five years after first occupation of any part of the active elderly accommodation, producing bi-annual reports to be submitted to Southampton City Council, the last to be submitted 5 years and six months after first occupation of any part of the active elderly accommodation;
 8. the provision and adoption of a Waste Management Plan in respect of the active elderly accommodation to ensure that domestic waste from that accommodation is collected and deposited in the detached refuse store close to Regents Park Road, to enable its collection; and
 9. an employment and training plan related to the construction of the project;

- (ii) that the Planning and Development Manager be authorised to refuse permission should the Section 106 Agreement not be completed by 15 November 2010, on the grounds of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions:

5– External materials/constructional detailing

The existing plain tiles shall be salvaged from North, Centre and South Courts prior to the demolition of those buildings. Where in good condition, salvaged tiles shall be reused on the new actively elderly flats building's roof. The development shall be built out with any reusable salvaged plain roof tiles and the materials specified on the planning application form and in accordance with the panel of material samples submitted by the architect, unless otherwise agreed in correspondence with the local planning authority prior to the commencement of works including the demolition of any part of North, Centre and South Courts. New plain tiles to be used shall be of a similar colour, texture and size to any salvaged plain clay tiles. Once a materials palette has been finalised in correspondence with the local planning authority, the development shall be fully built out using those materials and in full accordance with the 1:20 detailed drawings hereby approved, employing an identical brick bonding (repeating pattern of five courses stretcher bond and single course of header bond) and mortar jointing to the retained Centre Court clocktower building. Curved plain clay tiles shall be used where gablet roofs abut the main roof elements and bonnet plain tiles shall be used at roof hip junctions. The clock within the refurbished clocktower shall be renovated and put back into working order prior to the first occupation of any part of the development hereby approved and thereafter maintained in working order.

REASON:

To secure a satisfactory form of development and to achieve a good standard of workmanship and detail, having regard to the character and locally listed status of the buildings to be demolished, which are classified as non-designated heritage assets under Planning Policy Statement 5.

10 - Implementation of submitted hard and soft landscape design

The landscaping scheme shown on the Linda Oak drawing number 889/02 Rev E shall be carried out within twelve months of any of the buildings being ready for occupation. The approved landscaping shall be maintained in accordance with the revised maintenance schedule received on 25 October 2010. Any trees, shrubs, seeded or turfed areas which, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, 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.

REASON:

To ensure a satisfactory form of development.

11- Construction Environment Management Plan

Prior to the commencement of any development a written construction environment management plan and timetable for its implementation, shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations,

as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway. No construction or building work shall be carried out on the site unless and until there is available within the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority, provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the building and other operations on the site throughout the period of work required to implement the development hereby permitted. All specified measures shall be available and implemented during any processes for which those measures are required.

REASON:

To protect the amenities of the occupiers of existing nearby properties.

Condition 16 deleted and subsequent conditions re-numbered accordingly

21 – Vehicular crossings

Before the development is first brought into use, the developer shall stop up all redundant existing vehicular access points in Clifton Road and otherwise adjust the access point in Oakley Road in accordance with the approved site layout plan.

REASON:

In the interests of highway safety.

24 – Car/Cycle parking

A maximum of 35 car parking and a minimum of 21 cycle storage facilities - to include 2 No. disabled parking spaces within the 16 to serve the active elderly flats - to conform to the Local Planning Authority's standards shall be provided within the site before each respective part the development hereby permitted is first occupied (i.e. each individual general needs dwelling and the active elderly flats collectively). Such parking and storage shall be permanently maintained for that purpose. In particular, individual sheds, like that shown for plots 11-13 shall be placed in the gardens of the other general needs housing hereby approved for the express purpose of storing at least one bicycle.

REASON:

To prevent obstruction to traffic in neighbouring roads and to encourage cycling as an alternative form of transport.

25 - Refuse Storage to active elderly flats

The bin store for the active elderly flats shall be constructed of brick under a suitable weatherproof roof, with adequate ventilation. The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, and any lock system to comply with SCC standard lock requirements.

Internal lighting shall be provided to operate when doors are open, and a tap and wash down gully shall be provided, with suitable falls to the floor. The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable, unless they comply with SCC standard lock detail. The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10. A single

dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bin. The refuse store and refuse facilities, detailed in the submitted waste management plan shall be fully provided before any of the active elderly flats hereby approved are first occupied. Once provided, those refuse facilities shall be maintained at all times thereafter.

REASON:

In the interests of amenity.

Additional Conditions:

32 - Land Contamination investigation and remediation

Notwithstanding the submission of the site investigation report (Ref: J10232) the Council's Environmental Health & Consumer Protection Division have raised a number of queries that require resolution prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority). These are set out in the e-mail dated 20 October 2010 attached to this decision notice. A scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

- (i) a revised desk top study including;
 - historical and current sources of land contamination;
 - results of a walk-over survey identifying any evidence of land contamination;
 - identification of the potential contaminants associated with the above;
 - an initial conceptual site model of the site indicating sources, pathways and receptors;
 - a qualitative assessment of the likely risks;
 - any requirements for exploratory investigations.
- (ii) a report of the findings of any further exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed; and
- (iii) a scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

REASON:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. Whereas most of the 1930's buildings would be lost, the clock tower block would be retained and refurbished and existing plain tiles would be salvaged and re-used where in good condition. The local planning authority is satisfied that the design quality and finishes proposed for the new building will be of at least equal quality to those original 1930's building proposed to be demolished which are locally listed and therefore undesignated heritage assets under Planning Policy Statement No 5. In addition, current rates of vacancy – particularly of first floor flats are of concern in that they could lead to lower rates of maintenance and water ingress causing damage to those buildings. The proposal would result in an improvement to the City's housing stock and secure the living conditions for existing elderly residents. Protected trees on the site would be safeguarded and where modest pruning is proposed, this would not harm the overall health and amenity value of those trees. Adequate mitigation has been set out to provide for Bats on the site. The submitted transport statement and Travel Plan create a clear argument for the level of car parking put forward. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted. The following policies from the Development Plan:- City of Southampton Core Strategy (January 2010) CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23 and CS25.

'Saved' policies of the City of Southampton Local Plan Review (March 2006) SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP21, SDP22, NE4, HE4, CLT5, CLT6, H1, H2, H3 and H7.

75. **CANUTE ROAD / ALBERT ROAD SOUTH 09/0966/OUT**

Redevelopment of the site with a 6-storey building fronting Canute Road and a 7-storey building fronting Albert Road South to provide 53 flats (37 x one-bedroom and 16 x two-bedroom) and four Class A1/A3 commercial units with associated parking (Outline application seeking approval for layout, access and scale).

Mr Nye (Applicant) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION 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 Planning and Development Manager to grant conditional planning approval subject to:-
 - (a) the conditions in the report and the amended and additional conditions set out below;
 - (b) the applicant entering into a Section 106 Legal Agreement to secure:

1. financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
2. a financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
3. financial contributions towards the relevant elements of public open space required by the development in line with Policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
4. provision of affordable housing in accordance with Policy H9 of the Local Plan;
5. submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
6. a financial contribution towards public realm improvements in accordance with policy;
7. a Training and Employment Management Plan;
8. submission and implementation of a Travel Plan;
9. Resource Conservation Measures in accordance with Local Plan/Core Strategy Policies;
10. a Flood Management Plan; and

- (ii) that the Planning and Development Manager be authorised to refuse permission should the Section 106 Agreement not be completed within 3 months from the date of determination on the grounds of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions:

22 - BREEAM Standards (commercial development)

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Very Good against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

Conditions 27 and 28 to be renumbered as Conditions 25 and 26

26 – Flood Risk Mitigation

The development must fully comply with the mitigation strategy detailed within the Flood Risk Assessment/Mitigation Supplementary Report (FRA), FRMS07123-4A, 23rd July 2010 and Flood Management Report dated 26th July 2010 before any of the development can be occupied.

REASON:

To ensure that a site can be developed safely the FRA is proposing mitigation measures that ensure that flood risk to the development is managed. It is essential that this mitigation is completed before any of the site is occupied.

Additional Conditions:

27. APPROVAL CONDITION - Stopping up existing access

Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

REASON:

To provide safe access to the development and to prevent congestion on the highway.

28 - Recycling of existing building materials

No development shall commence, including demolition of the existing buildings, until details of proposals for the re-use and recycling of existing building materials on the site has been submitted to and approved in writing by the Local Planning Authority. The site works shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of resource conservation as set out in Policy SDP 13 of the City of Southampton Local Plan (March 2006).

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has also taken into account the findings of the specialist reports submitted with the application particularly that relating to flood risk. Subject to the incorporation of a Flood Management Plan into the Section 106 agreement, the Council is satisfied that the proposed development would provide an appropriate degree of safety from flooding in accordance with the guidance in PPS25. Other material considerations do not have sufficient weight to justify a 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 SDP1, SDP2, SDP3, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP13, H1, H2, H7, H9, H12. City of Southampton Local Plan (March 2006).

Policies CS1, CS4, CS5, CS13, CS15, CS16, CS19, CS20, CS23, CS25 Southampton Core Strategy (January 2010).

NOTE: Councillor Samuels declared a prejudicial interest in the above item and withdrew from the meeting.

76. **69-72 ST MARY'S STREET 10/00006/FUL**

Re-development of the site. Erection of a four-storey building to provide 13 flats (11 x one bed, 2 x two bed) and a retail unit (Class A1) with associated parking and storage.

Ms Edbroke (Applicant) and Mr Edwards (Architect) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER RECOMMENDATION 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 Planning and Development 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:
 1. financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 2. a financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 3. financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended):-
 - Amenity Open Space (“open space”)
 - Playing Field
 - Children’s play area;
 4. provision of affordable housing in accordance with Policies CS15 and CS25 of the adopted LDF Core Strategy (2010);
 5. submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
- (ii) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed within one month of the date of determination, on the grounds of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions:

9 - Renewable Energy

Prior to development of this proposal commencing full details of the renewable energy systems to be incorporated within the development shall be submitted to and agreed in writing with the Local Planning Authority. The details should include the full specification of the solar hot water heating system which shall achieve the agreed target of 15% reduced CO2 emissions as detailed within the agreed submitted energy assessment. The agreed renewable energy system shall be fully installed prior to first occupation and thereafter retained as agreed.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

13 - Active frontages

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 the occupier(s) of the commercial use hereby approved on the ground floor shall retain an 'active window display' along the length of the shop frontages hereby approved (without the installation of window vinyls).

REASON:

In the interests of retaining a lively and attractive streetscene.

Additional Conditions:

19 - Glazing - soundproofing from external traffic noise

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from St Mary's Street has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:-

- Outer pane of glass - 10mm
- Air gap between panes - 12mm
- Inner pane of glass - 6 mm

or, with secondary glazing with a -

- Outer pane of glass - 6mm
- Air gap between panes - 100mm
- Inner pane of glass - 6.4 mm

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

REASON:

In order to protect occupiers of the flats from traffic noise

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the proposed mixed use development is acceptable and the level of development proposed will not adversely harm the character and appearance of the area having regard to the regeneration benefits of redeveloping this site and also the case put forward for losing commercial floor space at ground floor level. On balance, the proposal will not undermine the vitality and viability of this local centre. The residential environment for future occupiers is acceptable given the site's proximity to the city centre. A suitable balance has been achieved between securing additional residential accommodation and parking, whilst ensuring that existing residential amenities are protected. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS4, CS5, CS13, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010); National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport) are also relevant to the determination of this planning application.

77. 12-NEWLANDS PRIMARY SCHOOL, ULLSWATER ROAD 10/00933/R3CFL

Erection of a new single-storey building to provide a new two form entry primary school and nursery with associated landscape works and sports facilities, including a multi-use games area and new vehicular and pedestrian access from Windermere Avenue. Demolition of the existing school upon completion of the new building.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

RESOLVED that conditional planning approval be granted subject to:-

- (i) the Head of Children's Services providing a written undertaking to implement an agreed series of site specific transport works under S.278 of the Highways Act in accordance with policies CS18, CS19 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended); and
- (ii) details of the community use of the site, in accordance with policy CS11 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010); and
- (iii) the conditions in the report, the amended and additional conditions below.

Amended Conditions:

31 - External Lighting/No Floodlighting to MUGA

Prior to the commencement of development, full details of the external lighting shall be submitted to the Local Planning Authority for approval in writing. The lighting shall be installed as approved before the new school building first comes into occupation. For the avoidance of doubt, no floodlighting to the school playing fields, multi-use games area or other open areas shall be installed without the specific granting of a planning permission for such works.

REASON:

For the avoidance of doubt and to control and assess the impact of such works on the amenities of local residents.

Additional Conditions:

36 - Sustainable measures

No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report assessing the feasibility of incorporating solar panels / photovoltaics into the development.

If it is found to be feasible, the report shall include an action plan detailing how these measures could be integrated into the development. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

REASON:

To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Core Strategy Development Plan Document (January 2010) policy CS20 and the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations do not have sufficient weight to justify a refusal of the application. The proposal makes good use of the land for much needed primary school places. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted having account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, SDP17, NE3, NE4 and CLT3 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS11, CS13, CS19, CS20, CS21 and CS22 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPG13 (Transport) and PPG24 (Planning & Noise) are also relevant to the determination of this planning application.

78. **COLLEGE STREET AND RICHMOND STREET 10/00521/MMA**

Minor material amendment sought to consent 06/00246/FUL - (Redevelopment of the site to provide 90 flats (45 x one-bedroom and 45 x two-bedroom flats), 1220 square

metres of commercial floor space within buildings ranging in height from 6 to 8 storeys and 43 car parking spaces with vehicular access from Richmond Street and College Street) - to alter development mix on 1st floor, putting 7 flats (2x1-bed and 5x2-bed) in place of 488 square metres of class B1 office floor space.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE PLANNING AND DEVELOPMENT MANAGER TO GRANT PLANNING PERMISSION SUBJECT TO THE REVISED CRITERIA LISTED IN REPORT WAS CARRIED UNANIMOUSLY

RESOLVED that Clause 3 of the S106 Agreement as determined at the meeting of the Planning and Rights of Way Panel on 22nd June 2010 be amended to secure the following:-

- Start on site within 3 months from issue of unchallengeable planning permission.
- Wind and Watertight (W&W) finish within 24 months of commencement
- A “Health check” in the event that W&W not achieved with any uplift paid towards off-site affordable housing
- Updates of sales every 6 months until final occupation
- If better sales revenue than predicted achieved split the uplift with SCC 50/50 (monies towards off-site affordable housing)

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Although the proposed development does not accord with policy RE111 (vi), particular account has been taken of the quality of the proposed replacement employment floorspace, current market conditions and the overall viability of the scheme. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, a Minor Material Amendment to Permission 06/00246/FUL should therefore be granted.

City of Southampton Local Plan Review (March 2006) Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP16, SDP17, SDP19, SDP22, HE1, HE6, CLT5, CLT6, H1, H2, H7, H9, RE111 (vi) and MSA1. City of Southampton Core Strategy (January 2010) Policies – CS1, CS4, CS5, CS6, CS7, CS8, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23 and CS25.

79. UPPER DEACON ROAD 10/01094/FUL

Erection of two storey 4-bedroom detached house with cycle store

Mr Rogers (Agent) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

RESOLVED that planning approval be granted subject to the conditions in the report.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations do not have sufficient weight to justify a refusal of the application for the reasons given in the report to the Planning and Rights of Way Panel on the 26.10.10. Appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted having account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, H1, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport) are also relevant to the determination of this planning application.

80. **OBJECTION TO THE IMPLEMENTATION OF A TREE PRESERVATION ORDER**

The Panel considered the report of the Planning and Development Manager regarding an objection to The Southampton (659 Portswood Road) Tree Preservation Order (TPO) 2010 made on 21st May 2010 protecting one individual Ash tree. (Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED that the Southampton (659 Portswood Road) Tree Preservation Order 2010 be confirmed without modifications.

81. **STREET NAMING -VOSPER**

The Panel considered the report of the Planning and Development Manager detailing the proposed names for the six new streets at the site of the former Vosper Thornycroft shipyard. (Copy of report circulated with the agenda and attached to the signed minutes).

The Panel considered the names proposed in the report together with additional suggestions from the Panel.

RESOLVED that the following names be approved for the new housing development at the former Vosper Thornycroft shipyard site:-

- (i) John Thornycroft Road as the name for the primary road within the development;
- (ii) Centenary Wharf as the most prominent road that leads off the primary road;
- (iii) Vosper Road;
- (iv) Oswald Road;
- (v) Joiners Mews; and
- (vi) Foundry Court.

82. **STREET NAMING - MALVERN ROAD**

The Panel considered the report of the Planning and Development Manager detailing the proposed street names for the new housing development on the site of 14 – 16 Malvern Road previously occupied by the R F Webb Engineering works. (Copy of report circulated with the agenda and attached to the signed minutes).

The Panel considered the name “Arlowe Drive” and the reasons given in the report.

RESOLVED that the name “Arlowe Drive” be approved for the new housing development on the site of 14 – 16 Malvern Road.

83. **ARRANGEMENTS FOR PRE-APPLICATION CONSULTATION FOR THE BIOMASS PLANT AT SOUTHAMPTON PORT**

The Panel considered the report of the Planning and Development Manager detailing the proposed arrangements for pre-application consultation for the Biomass plant at Southampton Port by the promoter of the project - Helius Energy. (Copy of report circulated with the agenda and attached to the signed minutes).

The Panel received a presentation from Ms R Haynes of Helius Energy on the promoter’s strategy and methodology for consultation as set out in the draft Statement of Community Consultation and draft Community Consultation Strategy

RESOLVED

- (i) that the proposed arrangements for pre-application consultation, as set out in the proposed draft Statement of Community Consultation and draft Community Consultation Strategy be approved together with the additional Consultees as listed above and reported to the IPC and Helius Energy as acceptable to the City Council;
- (ii) that the following be included in the list of Consultees:-
 - SCC Leader (Cllr Royston Smith)
 - SCC Cllr David Furnell (Millbrook Ward) – not Durnell as listed
 - SCC Shirley Ward Cllrs (Dean, Matthews & Mead)
 - John Denham (MP – Southampton Itchen)
 - Caroline Noakes (MP – Romsey & Southampton North)
 - Julian Lewis (MP – New Forest (East))
 - New Forest National Park Authority
 - The Environment Centre (Southampton)
 - Hampshire & Isle of Wight Wildlife Trust
 - British Airports Authority (BAA)
 - University of Southampton

- Transition Southampton
 - City of Southampton Society
 - Business Southampton;
 - Sustrans;
 - and that Councillor Shotter's name (deceased) be removed from the list;
- (iii) that the promoter (Helius Energy) undertake work with local primary schools as part of the public consultation exercise to raise awareness of the project and renewable energy.