

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 16 August 2011
Planning Application Report of the Planning and Development Manager

Application address: Rosebank Cottage and land adjoining, including part of former playing fields, Studland Road Southampton SO16 9BB			
Proposed development: Re-development of the site. Demolition of Rosebank Cottage and erection of 31 dwellings (12 x two-bedroom flats, 7 x two-bedroom houses, 10 x three bedroom houses and 2 x 4 bedroom houses) with associated access and parking, includes closure of part of the public highway in Studland Road (Outline application seeking approval for access, layout and scale).			
Application number	10/00565/R3OL	Application type	R3OL
Case officer	Steve Lawrence	Public speaking time	15 minutes
Last date for determination:	N/A	Ward	Redbridge
Reason for Panel Referral:	Referred by the Planning and Development Manager	Ward Councillors	Cllr Holmes Cllr McEwing Cllr Pope

Applicant: Southampton City Council	Agent: Capita Symonds, FAO Mrs A Mew
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Recommendation Summary	Revise recommendation (2) of the original Panel Report, from the 31 st August 2010, so that planning permission can be issued subject to receipt of an undertaking from the Head of Property & Procurement Services that the sale of the land owned by the Council and Mr Daniel Grimes, the subjects of this application, will be conditional upon Raglan Housing Association or any other subsequent landowner entering into a S.106 legal agreement with the Council prior to the land transfer, making provision for the planning obligations as set out below and in the previous Panel Report, which is attached at Appendix 1 .
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Appendix attached			
1	Planning & Rights of Way Panel Report (31 st August 2010)	2.	Minutes of Panel Meeting (31 st August 2010)
3	Undertaking by Head of Property and Procurement		

1.0 Background & Planning Considerations

- 1.1 Following the Panel resolution of the 31st August 2010, for which the Panel Report is attached at **Appendix 1**, the Council has been unable to secure one of the mortgagee's, linked with the parcel of land owned by Mr Grimes, to become party and sign the Section 106 Agreement, as a result of that mortgagee's own policy on signing Section 106 Agreements. As such, as currently resolved the planning permission cannot be issued and the delivery of the scheme has stalled. Therefore to ensure deliverability of the scheme the Council, subject to advice from the Council's Solicitor acting on behalf of the Council, is satisfied that a tripartite contract between all interested parties provides the control over the land to revise the procedure for completing the Section 106 as recommended by this report. In short,

the Section 106 Agreement can be completed at the land transfer stage, without the mortgagee in question, thus enabling the planning permission to be issued and the scheme free to be implemented.

2.0 Revised Recommendation in Full

- (1) That approval be given for the stopping up of that piece of public highway in Studland Road forming the existing site access under Section 257 of the Town and Country Planning Act necessary to allow the development to proceed; and,
- (2) **Note : Amended Recommendation**
Delegate to the Planning and Development Manager to grant planning permission subject to the receipt of an undertaking from the Head of Property & Procurement Services that the tripartite contract for the sale of the land owned by the Council and Mr Daniel Grimes, the subjects of this application, will be conditional upon Raglan Housing Association or any other subsequent landowner entering into a S.106 legal agreement with the Council prior to the land transfer, to secure the following:
 - i. 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);
 - ii. 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;
 - iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT3, CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policies CS21 CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended), to mitigate for the loss of that part of the site which is currently protected open space:-
 - Amenity Open Space (“open space”);
 - Playing Field;
 - Play space/equipment;
 - iv. The provision of 35% of the dwellings as affordable housing, in accordance with Policy CS15 of the adopted LDF Core Strategy (2010);
 - v. 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.

3.0 Relevant Planning Policy

3.1 As per Appendix 1

4.0 Consultation Responses

4.1 As per Appendix 1.

5.0 Conclusion

5.1 A change to the manner in which the Section 106 Agreement is delivered is required

to enable the planning permission to be issued. Following an undertaking from the Head of Property Services that the Section 106 Agreement will be completed at the land transfer stage is recommended so that the planning permission can now be issued for the scheme.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 2(c), 2(d), 2(e), 4(s), 6(a), 6(c), 6(d), 6(h), 6(g), 6(k), 7(a), 7(m), 7(v), 8(a), 9(a), 9(b) and PPS3 (2010)

SM 16.8.2010 for 16/8/2011 PROW Panel