
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 31 August 2010

Present: Fitzhenry (Chair), Jones (Vice-Chair), Letts, Osmond, Samuels, Slade (except Minute Item 35) and Thomas

Apologies: Councillor Raymond Mead

46. ROSEBANK COTTAGE AND LAND ADJOINING, INCLUDING PART OF FORMER PLAYING FIELDS, STUDLAND ROAD - 10/00565/R3OL

Rosebank Cottage and land adjoining, including part of former playing fields, Studland Road Southampton SO16 9BB

AMENDMENT TO THE OFFICER RECOMMENDATION PROPOSED BY COUNCILLOR LETTS AND SECONDED BY COUNCILLOR THOMAS

'that the provision for 35% affordable housing of the development on the site as set out in the proposed Section 106 Agreement be amended to 45%'

UPON BEING PUT TO THE VOTE THE AMENDMENT TO THE OFFICER RECOMMENDATION WAS LOST

RECORDED VOTE:

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

AGAINST: Councillors Letts and Thomas

UPON BEING PUT TO THE VOTE THE UNAMENDED OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY

RESOLVED

- (i) 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;
- (ii) that the Planning and Development Manager be delegated authority to grant planning permission subject to the completion of a Section 106 Legal Agreement to secure the following together with the additional condition set out below:-
 - (a) 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);
- (b) 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;
 - (c) 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;
 - (d) The provision of 35% of the dwellings as affordable housing, in accordance with Policy CS15 of the adopted LDF Core Strategy (2010);
 - (e) 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
- (i) that in the event that the legal agreement is not completed by 30 November 2010 the Head of Planning and Sustainability be authorised to refuse permission on the grounds of failure to secure the provisions of the Section 106 Legal Agreement.

Additional Condition

28 – Bat Survey

Notwithstanding the submitted ecology report, before any demolition and site clearance takes place, a bat survey of Rosebank Cottage and trees within the site shall be conducted by the developer. The survey shall consist of a visual inspection of the building, including roof voids, and ivy covered trees plus 3 emergence checks. No demolition or tree felling should take place until the bat survey has been submitted to the LPA and any necessary mitigation measure(s) has/have been agreed in writing with the LPA. Once agreed, all such approved mitigation measures shall be carried out in full prior to any demolition or site clearance.

REASON:

To protect nationally protected species from harm in accordance with saved Policy NE4 of the City of Southampton Local Plan Review (March 2006) and Policy CS22 of the City of Southampton Core Strategy (January 2010).

REASON FOR DECISION

Whereas the proposals are contrary to Policy CS21 of the City of Southampton Core Strategy (January 2010) and ‘saved’ Policy CLT3 of the City of Southampton Local Plan Review (March 2006), in that they involve a net loss of protected open space, the mitigation offered for that set out below is considered acceptable to allow a departure from the Development Plan for Southampton. The development is otherwise acceptable taking into account the policies and proposals of the Development Plan as set out below. In visual terms the proposals will bring improvements to the Studland

Road street scene and provide a good choice and mix of general needs, affordable and family housing in an area otherwise dominated by public housing.

Notwithstanding the re-publishing of PPS3, revising the definition of previously developed land to exclude private garden land, the loss of Rose Cottage is deemed acceptable in terms of the overall planning benefits of the proposals, efficient use of urban land and improvement to the character of the area.

That element of the site previously used as a playing field, but not within the last five years, will be mitigated for through a financial contribution to improve public open space locally and this decision is taken in the knowledge that mitigation is also being secured through the partial demolition of the Old Redbridge Primary School on Redbridge Road, with reinstatement of land to create an additional new adult football pitch and informal sport training grids as an extension to the playing field to the adjoining Redbridge Community School in Cuckmere Lane, which already allows for public use of those facilities.

The relationship of the development layout in terms of existing flats at 48 to 130 Cuckmere Lane would be mitigated for in terms of existing and proposed tree planting, to ensure that occupants of dwellings closest to those other flats would enjoy a reasonable level of amenity and privacy.

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 deemed Outline Planning Permission should therefore be granted.

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP21, SDP22, NE4, HE6, CLT5, CLT6, H1, H2, H3, H6 and H7 of the City of Southampton Local Plan Review (March 2006) as supported by the City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23 and CS25.