
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 27 SEPTEMBER 2011

Present: Councillors Jones (Chair), Claisse (Vice-Chair), Mrs Blatchford, Cunio, Fuller, L Harris and Thomas

Apologies: Councillors Osmond

51. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP**

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

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

RESOLVED that the Minutes of the Meeting held on 16th August 2011 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.

53. **LAND BETWEEN 136-166 ABOVE BAR STREET 11/01074/FUL**

Erection of two buildings, one of which would be up to 10-storeys in height, to provide an arts complex incorporating two auditoria, gallery space etc; ground floor retail/restaurant/cafe/drinking establishments (Classes A1/A3/A4) and 29 flats (7 x one-bedroom, 15 x two-bedroom and 7 x three-bedroom) with underground parking of 33 spaces. The development proposes stopping up an existing right of way, stopping up an area of public highway on Above Bar Street and the formation of a new street between Above Bar Street and Park Walk incorporating a replacement public right of way.

Mr O'Brien was 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 RECEIPT OF AN UNDERTAKING FROM THE HEAD OF PROPERTY AND PROCUREMENT TO IMPOSE A CONDITION IN THE LAND SALE AGREEMENT THAT THE APPLICANT ENTER INTO A SECTION 106 LEGAL AGREEMENT PRIOR TO THE COMPLETION OF THE LAND SALE 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 additional condition below;
 - b) confirmation in writing from the applicant prior to the grant of planning permission that the attached draft Heads of Terms are

acceptable to the applicant;

- c) the receipt of an undertaking from the Head of Property and Procurement that the contract for the sale of Council owned land, the subject of this application will be conditional on the applicant or any other person with an interest in the land entering into a Section 106 legal agreement with the Council prior to completion of the land transfer to provide the following planning obligations:
- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including paying for the necessary Traffic Regulation Order, 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 improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
 - iii. Financial contributions towards open space improvements 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).
 - iv. Provision of affordable housing in accordance with Core Strategy Policy CS 15.
 - v. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives in line with Core Strategy Policies CS24 and CS25.
 - vi. Submission, approval and implementation of Public Art in accordance with the Council's Public Art Strategy.
 - vii. 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.
 - viii. Submission, approval and implementation of a Waste Management Plan.
 - ix. Financial contribution or works of improvement to the public realm in accordance with policy and the relevant SPG.

That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to vary or add conditions as necessary as a result of further negotiations with the applicant and analysis of the viability

appraisal.

- (ii) Authority is given for the making of a diversion order to divert the public right of way and to stop up the area of footway as it is necessary for the development to proceed.

Additional Condition

29 Delivery Times

No deliveries to the commercial premises or the arts facilities hereby approved shall take place outside the hours of 0700 to midnight on any day.

REASON:

To safeguard the amenities of future occupiers of the residential accommodation

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Local Planning Authority is satisfied that the proposed buildings would not have a detrimental impact on the setting of adjoining listed buildings or the adjoining park of historic interest. Other material considerations 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 planning permission should therefore be granted.

Policies - SDP1, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, HE3, HE5, HE6, CLT1, CLT5, CLT6, H1, H2, H7, REI7 and MSA5 of the City of Southampton Local Plan Review (March 2006) and CS1, CS3, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS18, CS19, CS21 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

54. **AREA HOUSING OFFICE, YOUTH CENTRE AND CAR PARK SITE, PARKVILLE ROAD, SWAYTHLING 11/00204/FUL**

Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway.

Mr Kiddle (Applicant), Ms Ornsby (Legal representative), Mr Piccinino, Dr Waddington, Mr Crowther, Mr Symes, Mr Hopgood, Mr Dixon, Mr Purkiss, Mr Hamilton, Ms Lloyd (Local residents) and Councillors Turner and Vassiliou (Ward Councillors) 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 RECEIPT OF AN UNDERTAKING FROM THE HEAD OF PROPERTY AND PROCUREMENT TO IMPOSE A CONDITION IN THE LAND SALE AGREEMENT THAT THE APPLICANT ENTER INTO A SECTION 106 LEGAL AGREEMENT PRIOR TO COMPLETION OF THE LAND TRANSFER WAS CARRIED

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Claisse, Fuller and L Harris

AGAINST: Councillors Cunio and Thomas

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;
 - b) confirmation in writing by the applicant prior to the grant of planning permission that the attached Heads of Terms are acceptable to the applicant;
 - c) the receipt of an undertaking from the Head of Property and Procurement Services that the contract for the sale of Council owned land, the subject of this application will be conditional upon Bouygues Development and any other person with an interest in the land entering into a S.106 legal agreement with the Council, prior to the land transfer taking place, to provide the following planning obligations:
 - i) An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) in accordance with Local Plan Policy H13(v);
 - ii) The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
 - iii) The scheme shall make a commencement within 6 months and achieve a shell and core finish within 36 months from the date of the planning permission so as to reflect the current viability assumptions made. In the event that this is not achieved a fresh viability appraisal shall be submitted with any uplift in value (up to an agreed sum) payable to the City Council;
 - iv) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping works (including the proposed Stoneham Way service layby and Parkville Road Improvement Scheme with a minimum of 12 parking spaces) under S.278 of the

Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS18 and CS25;

- v) The funding of Traffic Regulation Orders (TRO) required to enable the development to be implemented;
- vi) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements, including the potential for a new/revised UNlink bus route and bus stop serving the development with implementation prior to first occupation, in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- vii) The submission and implementation of a public parking management plan for those spaces along Parkville Road dedicated for public use. Details to include additional explanatory signage to be erected in Parkville Road at the applicant's expense;
- viii) A Student Car Ownership Restriction Mechanism as part of any student contract of tenancy shall be agreed and imposed. No student shall be entitled to park on the land or to obtain parking permits to the Council's Controlled Parking Zones. Upon the offer of the place a clear written statement shall be given to the students detailing the implications for their tenancy in the event that they are found to have a car. All student contracts to include the agreed wording to the effect that they shall not bring a car to Swaythling Ward whilst living at City Gateway and may be evicted if found to have done so. In the event that evidence is provided by residents or the City Council that a resident has access to a car they will be given a warning leading to possible eviction. This will be at the discretion of the University of Southampton and/or any designated operator and/or the landowner upon receipt of valid evidence. Reception area to have an up-to-date telephone number with information about when and where breaches can be reported. Without prejudice to the above paragraph, the mechanism will be agreed between the University/operator and Southampton City Council prior to first occupation of the building;
- ix) A mechanism for replacing the existing community uses (both during and following the construction phase) in accordance with LDF Core Strategy Policy CS3;
- x) Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March

2006) as supported by LDF Core Strategy policies CS21 and CS25;

- xi) The submission, approval and implementation of public art – possibly to include an art fence - that is consistent with the Council’s Public Art ‘Art People Places’ Strategy;
- xii) Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNIlinc bus passes to all residents;
- xiii) Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25;
- xiv) Submission and implementation of a TV Reception Study committing to a pre and post construction assessment with off-site mitigation where necessary;
- xv) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
- xvi) A Site Waste Management Plan;
- xvii) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
- xviii) Agreement of construction vehicle routing;
- xix) Developer shall be responsible for the cost of checking of drawings and construction;
- xx) Market Buildings Car Parking Improvement Scheme (MBCPIS) – Prior to implementation to have approved in writing by the Council a scheme of works for the MBCPIS - to include consultation with Market Building’s residents and business owners, a minimum of 37 parking spaces, tree protection measures during construction, and enhancements to the area’s appearance including the associated Herbert Collin’s Memorial Garden. The MBCPIS shall be provided prior to the first occupation of the development in accordance with an agreed S.278 and TRO for any additional parking restrictions; and,
- xxi) Details of additional explanatory signage to be erected in Ethelbert Avenue at the applicant’s expense.

In the event that such an undertaking is not forthcoming within 3 months from the date of this decision that delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure an appropriate mechanism for dealing with the S.106 legal agreement mitigation measures listed above.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development has been revised to increase the level of on-site (including Parkville Road) car parking to 44 spaces and by making provision to rearrange the parking at Market buildings to provide a further 10 or so spaces. Furthermore, the applicant's traffic survey explains that there is sufficient capacity on roads nearer to the site than the Ethelbert Avenue Conservation Area to accommodate the anticipated overspill of vehicles belonging to student residents of the development. This conclusion is supported by the Council's Highways Officer as it is accepted that any student parking in breach of student tenancy agreements can be accommodated without detriment to local residents. The investigation of further Controlled Parking Zones and the use of a mandatory eviction clause for students found to have brought a car to the roads within the ward of the application site, enforceable through the Contracts (Rights of Third Parties) Act by local residents, have been investigated and discussed with the developer and it has been demonstrated that neither are an acceptable route for dealing with any overspill issue. There is, therefore, no need to make further provision for additional car parking spaces other than as described above.

Following the proposed change to the student-car ownership restriction in a section 106 agreement to allow eviction to be at the discretion of the developer/university, and the confirmation that the existing highway network can accommodate any overspill parking caused by students bringing cars to the site in breach of the requirement in their lease not to do so, the impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. In reaching this conclusion, as to the acceptability of the development, particular account has also been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals; current market conditions; the economic regeneration benefits that will accrue as a result of the redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing; 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 planning permission should therefore be granted (subject to confirmation from the Head of Property and Procurement Services that the development agreement for the site will contractually require the Developer to enter into a section 106 agreement to secure the planning obligations as set out in the report to panel dated the 27th September 2011 prior to the completion of the land transfer) and in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13,, SDP14, SDP15, SDP16,

SDP17, SDP19, SDP22, NE7, HE1, CLT5, CLT7, H1, H2, H3, H7, H13, REI6 and TI2 and City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS6, CS10, CS11, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS24 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

55. **UNIT 10 STANTON INDUSTRIAL ESTATE STANTON ROAD, SO15 4JA**
11/01199/FUL

Single storey rear extension facing Mill Road.

Mr Tutte (Agent) and Mr Galton (Local Resident) 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 WAS CARRIED UNANIMOUSLY

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

Additional Condition

7 Cycle Storage

Before the development commences, the developer shall submit details of the location of one 5 berth Sheffield cycle stand to be positioned within the application site to allow the secure and covered parking of 5 staff bicycles for approval in writing to the local planning authority. Once approved, that cycle parking provision shall be provided before any part of the approved extension first comes into use. Once provided, that cycle parking shall be retained at all times thereafter.

REASON:

To promote the use of sustainable forms of travel and in mitigation for the 4 No. car parking spaces being lost as a result of the approved development.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the affect which the proposal will have on the economic viability of the site, the potential for employment to continue at the site have been taken into account. Impact to the character of the area, parking, and neighbouring amenity have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. The proposal, however, is not considered to be a significant departure from the Local Plan's allocation of the site for housing, as the proposal is a modest scale extension to an existing B2 use and therefore will not compromise the future development potential of the site to residential. 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 and SDP9 of the City of Southampton Local Plan Review (March 2006) and Policy CS6 and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

56. **15 B BROOKVALE ROAD 11/00849/FUL**

Loft conversion to first floor flat including 2 flat roof dormers.

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 DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed extension is not considered to be harmful to the appearance of the host dwelling nor harmful to the character of the surrounding area. Furthermore, no harm would result to the amenities of the neighbouring occupiers. Other material considerations 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 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).