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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 22 NOVEMBER 2011

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

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

**RESOLVED** that the minutes of the meeting held on 25<sup>th</sup> October 2011 be approved with an amendment to minute number 65 (15 Merton Road) recording that Councillor Thomas voted in favour of the planning application in the recorded vote.

68. **58 WEST END ROAD 11/01326/FUL**

Conversion and extension of the existing building, erection of a new two-storey building on the West End Road frontage and two bungalows fronting Panwell Road to provide a total of 10 residential units (2 x three bedroom houses, 7 x two bedroom flats and 1 x three bedroom flat) with associated parking, vehicular access and landscaping.

Mr Oldfield, Mr Goodwill (Agent), Ms Aldington (Asda Homes Housing Association), Mr Dawson, Ms Reed, Mr Andscombe, Mrs Hogan, Mr Warn (Local residents) and Councillor Smith (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The Panel discussed an amendment to condition no 17 and six additional conditions, detailed below:

Amended Condition

**17. APPROVAL CONDITION - Delivery times [Pre-Occupation Condition]**

No deliveries (including construction materials) shall be taken in or dispatched from the premises outside the following times 7.30am -9.30am and 4pm - 6pm and no vehicles associated with the demolition, clearance and re-development of the site shall at any time use Panwell Road.

Reason: To avoid obstruction and congestion of this road and to protect the amenities of residents of that road.

Additional Conditions

**19. APPROVAL CONDITION – Archaeological building-recording [Pre-Commencement Condition]**

No development shall take place within the site until the implementation of a programme of archaeological building recording has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the recording of the building is initiated at an appropriate point in demolition procedure.

**20. APPROVAL CONDITION – Archaeological work programme [Performance Condition]**

The developer will secure the completion of a programme of archaeological building recording and assessment work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological building recording is completed.

**21. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]**

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason: To ensure satisfactory drainage provision for the area.

**22. APPROVAL CONDITION - Boundary fence [Pre-occupation Condition]**

Notwithstanding the landscaping plan hereby approved, prior to the occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

Reason: In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

**23. Approval Condition - Tree works (Performance Condition)**

The development hereby approved must be carried out in accordance with the approved tree protection plan ref: dfc/0220 and arboricultural Impact Study and method statement dated 02.09.2011.

Reason: To ensure the adequate protection of trees on site.

**24. APPROVAL CONDITION – Refuse store provision (Pre-Occupation Condition)**

Notwithstanding the submitted plans amended details of the design and siting of the refuse storage serving the development hereby approved, and pedestrian access to it, shall be submitted to and approved in writing by the Local Planning Authority and thereafter be made available prior to the first occupation of the development hereby approved and shall be retained with access to it at all times for the use of the residential units.

Reason: To ensure adequate refuse storage facilities are provided in accordance with policy SDP1 and SDP5 of the adopted local plan review (March 2006).

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE PLANNING AND DEVELOPMENT MANAGER TO

## GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS LOST

### RECORDED VOTE:

FOR: Councillor Mrs Blatchford

AGAINST: Councillor Jones, Claisse, Cunio, L Harris, Osmond and Thomas

A FURTHER MOTION PROPOSED BY COUNCILLOR JONES AND SECONDED BY COUNCILLOR L HARRIS THAT THE APPLICATION BE REFUSED FOR THE REASONS SET OUT BELOW WAS CARRIED

### RECORDED VOTE:

FOR: Councillors Jones, Claisse, Cunio, L Harris, Osmond and Thomas

AGAINST: Councillor Mrs Blatchford

**RESOLVED** that planning approval be refused for the reasons set out below.

### REASONS FOR REFUSAL

1. The proposal is considered to be an overdevelopment of the site as evidenced by the location of the bin store, the loss of the tree subject to a Tree Preservation Order, and is likely to lead to inconvenience to existing residents in Panwell Road due to the two family dwellings be accessed from Panwell Road. The proposals are therefore contrary to Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review 2006 and CS13 of the Core Strategy 2010.
2. Failure to secure S.106 provisions  
The proposals fail to mitigate against their direct impacts or satisfy the provisions of policy CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010), the named saved policies from the Local Plan Review (March 2006) and the provisions of the Council's adopted Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-
  - i. Financial contributions towards site specific highway improvements in the vicinity of the site in accordance with policies CS18, CS19 & 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);
  - ii. A financial contribution towards strategic transport improvements in the wider area in accordance with policies CS18 & 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);
  - iii. 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) with regard to

- Amenity Open Space (“open space”);
  - Play Space and;
  - Playing Field.
- iv. Provision of affordable housing in accordance with Policies CS15, CS16 & 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);
  - 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; and
  - vi. A Site Waste Management Plan

69. **222 - 252 MEGGESON AVENUE 11/01340/FUL**

Demolition of the existing block of flats and redevelopment to provide 10 x 3 bedroom houses and 23 flats (4 x 1 bedroom, 19 x 2 bedroom) in two, three and four-storey buildings with associated parking and other works including stopping up of highway/diversion of an existing public right of way.

Mr Priestley (Architect), Ms Fall (SCC - Regeneration Team) and Mrs Vanlieburgh (Local Resident) were present and with the consent of the Chair, addressed the meeting.

**AN AMENDMENT TO THE RECOMMENDATION TO INCLUDE A TRAFFIC REGULATION ORDER AS A TERM OF THE SECTION 106 AGREEMENT PROPOSED BY COUNCILLOR CUNIO FELL**

The Panel discussed a revised officer recommendation to grant conditional planning permission subject to receipt of a section 111 agreement between the Council and the applicant providing that the applicant will prior to, or simultaneously with the completion of the land transfer, enter into a Section 106 agreement with the Council as local planning authority for the whole of the application land or enter into section 106 agreements for each phase of the land to be transferred

**UPON BEING PUT TO THE VOTE THE REVISED OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE TERMS SET OUT BELOW WAS CARRIED UNANIMOUSLY**

**RESOLVED**

- (a) that conditional planning approval be approved subject to receipt of an agreement made pursuant to section 111 of the Local Government Act 1972 between the council as landowner and the applicant providing that the applicant will prior to or simultaneously with the completion of the land transfer or any part thereof either enter into with the Council as the local planning authority:
  - a section 106 agreement(s) that covers either the whole of the application land; or
  - section 106 agreements covering each phase of the land to be transferred containing the following heads of terms

- 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 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 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 CS15.
  - 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 of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- (b) That the Planning and Development Manager be given delegated authority to add or vary any of the attached planning conditions or the terms of the Section 106 agreement; and
- (c) That the stopping up / diversion of the footpaths / public highway associated with this development be approved as it is necessary for the development to be carried out.

### REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council finds the small loss of open space to be acceptable in this case given the quality of the proposed replacement open space. Particular account has also been taken of the third party response to the scheme, the quality of the proposed redevelopment proposals, the associated regeneration benefits and improvements to local housing (including a high percentage of affordable and family housing). Other material considerations, including the vehicular access arrangements, car parking arrangements, protection of trees and the impact on the amenities of neighbouring occupiers, 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, SDP 5, SDP7, SDP9, SDP10, SDP11, SDP13, SDP14, HE6, CLT5, CLT6, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006), Policies CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20, CS21 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the relevant parts of supplementary planning guidance including the Residential Design Guide (September 2006).

70. **5-92 LAXTON CLOSE 11/01423/FUL**

Demolition of the existing buildings and re-development to provide 30 houses (29 x 3 bedroom and 1x 4 bedroom) and 33 flats (7 x 1 bedroom and 26 x 2 bedroom) with associated parking and other works including diversion of an existing public footpath (affects a Public Right of Way).

Mr Priestly (Architect) was present and with the consent of the Chair addressed the meeting.

The Panel discussed a revised officer recommendation to grant conditional planning permission subject to receipt of a section 111 agreement between the Council and the applicant providing that the applicant will prior to or simultaneously with the completion of the land transfer enter into a Section 106 agreement / s with the Council as local planning authority for the whole of the application land or for each phase of the land to be transferred.

UPON BEING PUT TO THE VOTE THE REVISED OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE TERMS SET OUT BELOW WAS CARRIED UNANIMOUSLY

**RESOLVED**

- (a) that conditional planning approval be granted subject to:
- (i) the conditions in the report and amended conditions below:
  - (ii) receipt of an agreement made pursuant to section 111 of the Local Government Act 1972 between the council as landowner and the applicant providing that the applicant will prior to or simultaneously with the completion of the land transfer or any part thereof either enter into with the Council as local planning authority:
    - a section 106 agreement(s) that covers either the whole of the application land; or,
    - section 106 agreements covering each phase of the land to be transferred containing the following Heads of Terms:
      - i) A minimum on-site provision of 2 dwellings (ie.20% of the net gain) to be provided on-site as affordable housing in accordance with adopted LDF Core Strategy Policy CS15;
      - ii) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport 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 adopted LDF Core Strategy policies CS18 and CS25;

- iii) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
  - iv) Financial contributions towards the relevant elements of public open space required by the development – including the replacement of the existing children’s play area - in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by adopted LDF Core Strategy policies CS21 and CS25;
  - v) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with adopted LDF Core Strategy policies CS24 and CS25;
  - vi) 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;
  - vii) Agreement of construction vehicle routing; and,
  - viii) The funding of Traffic Regulation Orders (TRO) required to enable the development to be implemented.
- (b) that the Planning and Development Manager be given delegated authority to add or vary any of the attached planning conditions or the terms of the Section 106 agreement; and
- (c) that approval is given by the Panel for the diversion and temporary stopping up of the existing Right of Way linking Laxton Close with Bramley Crescent as it is necessary to allow the development to proceed.

#### Amended conditions

### **13. APPROVAL CONDITION - Renewable Energy - Micro-Renewables**

An assessment of the development’s total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions assessed against the baseline of Part L of the Building Regulations [20% as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development assessed against the baseline of Part L of the Building Regulations [20% as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding the demolition and site preparation phase) hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully

operational prior to the first occupation of the development hereby granted consent and retained thereafter.

**REASON:**

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

**21. APPROVAL CONDITION – Right of Way (Laxton Close to Bramley Crescent)**

Unless otherwise agreed in writing by the Local Planning Authority, details of how the existing right of way linking Laxton Close and Bramley Crescent can be retained during the demolition and construction phase, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any site clearance or demolition works taking place in association with this permission. The right of way shall be made available, with safe footpaths for pedestrians, prior to the first occupation of the development or in accordance with another timescale that shall have been agreed in writing with the Local Planning Authority prior to the first occupation of the development.

**REASON:**

As the development potentially involves a temporary stopping up during the construction phase, and to ensure that the existing right of way is retained for safe access to local schools and is correctly reinstated.

**REASONS FOR DECISION**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact of the proposed development, in terms of visual and neighbour amenity, highway safety and parking are considered to be acceptable for the reasons detailed in the report to the Council's Planning and Rights of Way Panel on 22<sup>nd</sup> November 2011. Particular account has also been taken of the third party response to the scheme, the quality of the proposed redevelopment proposals, the associated regeneration benefits and improvements to local housing (including a high percentage of affordable and family housing), 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, and application 11/01423/FUL should therefore be granted 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, HE6, CLT5, CLT6, CLT7, H1, H2, H3, H7 and TI2 and City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, 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 at Appendix 1.

71. **LAND AT EXFORD DRIVE AND EXFORD AVENUE (INCLUDING EXFORD ARMS PH AND MULBERRY CENTRE) 11/01400/FUL**

Demolition of all the existing buildings and redevelopment to provide 35 houses (25 x 3 bedroom and 10 x 4 bedroom), 90 flats (14 x 1 bedroom, 75 x 2 bedroom, 1 x 3 bedroom) and new retail/office/food and drink use on the former Exford Arms site (Classes A1/A2/A3/A4/A5) with associated parking and other works including diversion/extinguishment/creation of rights of way.

Mr Priestley (Architect) was present and with the consent of the Chair, addressed the meeting.

The Panel discussed a revised officer recommendation to grant conditional planning permission subject to receipt of a section 111 agreement between the Council and the applicant providing that the applicant will prior to or simultaneously with the completion of the land transfer enter into a Section 106 agreement / s with the council as local planning authority for the whole of the application land or for each phase of the land to be transferred

UPON BEING PUT TO THE VOTE THE REVISED OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE TERMS SET OUT BELOW WAS CARRIED UNANIMOUSLY

**RESOLVED**

- (a) that conditional planning approval be granted subject to:
- (i) the conditions in the report and amended conditions below:
- (ii) the receipt of an agreement made pursuant to section 111 of the Local Government Act 1972 between the council as landowner and the applicant providing that the applicant will prior to or simultaneously with the completion of the land transfer or any part thereof either enter into with the Council as local planning authority:
- a section 106 agreement(s) that covers either the whole of the application land; or;
  - section 106 agreements covering each phases of the land to be transferred containing the heads of terms set out in the report to the planning and rights of way panel and the additional heads of terms detailed below:
    - i) A minimum on-site provision of 11 dwellings (ie.35% of the net gain) to be provided on-site as affordable housing in accordance with adopted LDF Core Strategy Policy CS15;
    - ii) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport 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 adopted LDF Core Strategy policies CS18 and CS25;
    - iii) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;

- iv) Financial contributions towards the relevant elements of public open space required by the development – including the replacement of the existing children’s playarea - in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by adopted LDF Core Strategy policies CS21 and CS25;
  - v) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with adopted LDF Core Strategy policies CS24 and CS25;
  - vi) 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;
  - vii) Agreement of construction vehicle routing;
  - viii) The funding of Traffic Regulation Orders (TRO) required to enable the development to be implemented;
  - ix) The submission, approval and implementation of public art that is consistent with the Council’s Public Art ‘Art People Places’ Strategy and in accordance with Policies CS13 & 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
  - x) The stopping up and diversion of the existing roads and footpaths as indicated within the planning application submission.
- (b) that the Planning and Development Manager be given delegated authority to add or vary any of the attached planning conditions or the terms of the Section 106 agreement; and
- (c) that approval is given by the Panel for the diversion and stopping up of the existing roads and footpath as indicated in the planning application as it is necessary to allow the development to proceed.

Amended conditions

**24. APPROVAL CONDITION - Hours of use commercial establishments  
[Performance Condition]**

The commercial uses in block k hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

07:30 hours to 23.00 hours

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

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

**32. APPROVAL CONDITION - Renewable Energy - Micro-Renewables (Pre-Commencement Condition)**

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [as detailed in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [as required in core strategy policy CS20] over part L of the Building Regulations must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason:

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

**REASONS FOR DECISIONS**

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 such as those listed in the report to the Planning and Rights of Way Panel on 22.11.11 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. 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 taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, 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, CS16, 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 2011) are also relevant to the determination of this planning application.

**72. TESCO STORES LTD, TEBOURBA WAY, SO16 4QE 11/01150/FUL**

Alterations and extensions to the existing retail store to provide an additional 2,030 square metres floorspace with associated access, landscaping, servicing and parking arrangements.

The officer reported that the Environment Agency had no objections to the application.

Ms Noice (Applicant) and Mr and Mrs Short (Local residents) 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 PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED

RECORDED VOTE:

FOR: Councillors Jones, Claisse, Mrs Blatchford, Cunio, L Harris, Osmond

ABSTAINED: Councillor Thomas

**RESOLVED** that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:

- a) the completion of a S106 Legal Agreement to secure:
  - 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. A financial contribution towards public realm and related improvements in Shirley Town Centre;
  - iv. 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.
  - 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.
  - vi. An obligation that the operator will not implement the mezzanine floor approval following the grant of this consent.
  - vii. Submission and implementation of a Travel Plan
- b) the conditions in the report and additional condition below.

Additional Condition

**17. APPROVAL CONDITION – Trolley Management Arrangements (Pre-Commencement Condition)**

No development shall commence until details of trolley management arrangements have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall incorporate measures to ensure trolleys are contained within the site. The approved measures shall be implemented before the extended store is first used and subsequently retained thereafter.

**REASON:**

In the interests of visual amenity and to safeguard the amenities of neighbours.

**REASONS FOR DECISIONS**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has taken into account the applicants findings on the retail impact of the development and the sequential approach to site selection and found these issues to be satisfactorily addressed as required by Local Planning Policies and the guidance in PPS4. The Council considers the applicants 'fallback position' of a mezzanine floor to be an important material consideration in this case. Other material considerations have been considered including transportation, design and landscaping and these 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, SDP4, SDP5, SDP7, SDP9, SDP11, SDP13, SDP16, HE6 and TI2 of the City of Southampton Local Plan Review (March 2006) and CS3, CS6, CS13, CS18, CS19, CS20, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

**73. LAND AT CORNER OF BEVOIS VALLEY ROAD AND EARLS ROAD 11/01143/FUL**

Erection of a building ranging in height from 2-storeys to 5-storeys to provide 24 flats for students (107 bedrooms) with associated parking, refuse facilities and landscaping, following alterations to the levels of the site.

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

The Panel discussed the revised officer recommendation of two amendments and an addition to the Heads of Terms for the Section 106 agreement in relation to car parking management, occupation of the development by students only and the restriction of parking permits.

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

**RECORDED VOTE:**

**FOR: Councillors Jones, Claisse, Mrs Blatchford, L Harris, Osmond and Thomas**

**ABSTAINED: Councillor Cunio**

## **RESOLVED**

- (a) that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:
- i) the conditions in the report and the additional condition below;
  - ii) the completion of a S106 Legal Agreement 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 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;
    - iv. 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;
    - v. The submission of a student intake management plan and car parking management plan;
    - vi. A clause restricting the occupation of the development to students; and
    - vii. A restriction that no parking permits for the surrounding streets be allocated for the future occupants of the development.
- (b) that the Planning and Development Manager be delegated power to vary the terms of the Section 106 agreement and to add or vary conditions as necessary.
- (c) that in the event that the legal agreement is not completed within two months of the date of the Planning and Rights of Way Panel, that the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal agreement.

### **Additional condition**

#### **18. APPROVAL CONDITION – Parking and Access [performance condition]**

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved. Unless otherwise agreed in writing by the Local Planning Authority, no more than five parking spaces shall be provided on the site.

Reason:

In the interests of highway safety and to secure a satisfactory form of development.

#### REASONS FOR 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 such as those listed in the report to the Planning and Rights of Way Panel on the 22.11.11 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. 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 taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, 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, CS16, 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 2011) are also relevant to the determination of this planning application.

74. **UNITS 20-21 ADMIRAL HOUSE, MOUNTBATTEN BUSINESS CENTRE, MILLBROOK ROAD EAST 11/01148/FUL**

Change Of Use From Office (Class B1) To Gym (Class D2) (Departure From Local Plan)

Mr Laslett (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 planning approval be granted subject to the conditions in the report and amended conditions set out below.

#### Amended conditions:

Condition 1 to be deleted (amend numbering to run concurrently).

#### **04. APPROVAL CONDITION - Hours of Operation. [Performance Condition]**

The premises to which this permission relates shall only be open for business between the hours of 06.30 to 20.00 Monday to Friday, 07.00 to 18.00 on Saturdays and 08.00

to 12.00 Sunday and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

#### REASON

To protect the amenities of those members of the public who choose not to use the facility and to protect the residential character and amenity of the area.

#### **05. APPROVAL CONDITION, B1/D2 Use. [Performance Condition]**

The "dual B1 (office) and/or D2 (Gym) use" hereby permitted for the development shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

#### Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use

#### REASONS FOR DECISION

Notwithstanding the application constitutes a departure from the Development Plan 'saved' Policy REI 11 (vii) of the City of Southampton Local Plan March 2006 and CS7 of the Core Strategy January 2010 which allocates the site for B1(b) and (c) uses, the proposal is compliant with the wider objectives of the Development Plan, including the Healthy City, set out below. Currently, it is accepted that there is low demand for B1 use within this centre at this present time and the particular nature of this D2 use being appropriate to this location and securing the future of the business it is considered appropriate for full consent to be granted. In addition, other material considerations including amenity, parking, health and economic benefits, the previous vacancy of the unit and the importance of retaining employment within the city, outweigh compliance with this policy 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.

City of Southampton Core Strategy (January 2010) – CS1, CS3, CS6, CS7, CS8, CS10, CS18 and CS19.

City of Southampton Local Plan Review (March 2006) - SDP1, SDP4, SDP5, SDP10, SDP16 and REI11