



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

**Town and Country Planning
(Development Management Procedure) (England) Order 2010**

Mr Raymond Cole
Seacourt Tower
West Way
Oxford
OX2 0FB

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

OUTLINE APPLICATION - CONDITIONAL APPROVAL

Proposal: **Redevelopment of the site to provide 40 units of residential accommodation with access from Bracken Lane, following demolition of the existing buildings (outline application with access for consideration)**

Site Address: **Poor Clares Convent Bracken Lane Southampton SO16 6UZ**

Application No: **09/00335/OUT**

Subject to the following conditions.

01.APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02.APPROVAL CONDITION - Submission of Reserved Matters [Pre-commencement Condition]

Approval of the details of the Scale, Layout, Appearance and Landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before the expiration of three years from the date of this permission and prior to the commencement of development.

REASON

To comply with S.92 of the Town and Country Planning Act 1990.

03.APPROVAL CONDITION - Reserved Matters [pre-commencement condition]

The Reserved Matters pursuant to condition02 above shall comprise:

(a) Detailed plans showing the Layout, Scale, Size, Design and Appearance of the building(s) and shall specify the external materials to be used (see materials condition below);

(b) A detailed plan showing a scheme and programme of Landscaping, specifying

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any proposed boundary treatment; and
- iv. a landscape management scheme.

Plans and particulars of the reserved matters shall be carried out as approved.

REASON

To ensure a satisfactory form of development

04.APPROVAL CONDITION - Landscaping Implementation [performance condition]

The hard and soft landscaping works pursuant to Condition 3 (above) shall be carried out in accordance with the details approved in the above planning condition. The works shall be carried out before any of the development is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

REASON:

To ensure that the works are carried out as approved in the interests of the visual amenities of the area.

05.APPROVAL CONDITION - Details of External Materials - Samples [pre-commencement condition]

No development shall take place until details (and samples where required) of the materials to be used in the construction of the external surfaces of the development including all external fixtures, fittings, facing brickwork, render, window frames and mortar and details of window and doorway reveals have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of ensuring that the new development is constructed in accordance with the submitted details and to secure a harmonious form of development.

06.APPROVAL CONDITION- Arboricultural Method Statement [pre-commencement condition]

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

A specification for the location and erection of protective fencing around all vegetation to be retained

Specification for the installation of any additional root protection measures

Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.

Specification for the construction of hard surfaces where they impinge on tree roots
The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)

An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.

Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

REASON

To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

07.APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period

08.APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

Reason:

To preserve the said trees in the interests of the visual amenities and character of the locality

09.APPROVAL CONDITION - Arboricultural Protection Measures [Pre-Commencement Condition]

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction and personnel awareness of arboricultural matters

- Identification of individual responsibilities and key personnel

- Statement of delegated powers

- Timing and methods of site visiting and record keeping, including updates

- Procedures for dealing with variations and incidents

Reason:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2005, throughout the development of the land and to ensure that all

conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

10.APPROVAL CONDITION - Traffic Calming Measures [pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of the traffic calming measures within the development shall be submitted to the Local Planning Authority for approval in writing. These details shall include surface materials, markings, signage and gradients. The traffic calming measures shall be implemented as approved prior to the development first coming into occupation.

REASON

To ensure a satisfactory form of development

11.APPROVAL CONDITION - Sustainability measures [pre-commencement condition]

Notwithstanding the information submitted with the application no construction works hereby approved shall commence until a scheme of measures that outline how the development hereby approved shall reduce its energy and water consumption and efficiency has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details and verified in writing by the applicant prior to the first occupation of the development hereby approved.

REASON:

In the interests of maximising the site's contribution towards energy and water conservation and securing a Code for Sustainable Homes Level 3 (or its equivalent) as agreed by the applicants at the Planning & Rights of Way Panel.

12.APPROVAL CONDITION - Biodiversity Mitigation and Enhancement Plan [pre-commencement condition]

Prior to the commencement of the development hereby approved a biodiversity mitigation and enhancement plan should be submitted to the Local Planning Authority for approval in writing. The plan shall include details of the following:

- specification, number and location of bat boxes
- specification, number and location of other bird boxes
- interim bat roost mitigation measures to be provided on the site to cover the period between demolition of the existing buildings and completion of the permanent mitigation measures
- locally native species to be included in the landscaping scheme as required by condition 3, above.

The development shall proceed in accordance with the details of this plan.

REASON

In the interests of the biodiversity of the site.

13.APPROVAL CONDITION - Refuse & Recycling Bin Storage [pre-commencement condition]

Notwithstanding the information already submitted details of satisfactory facilities to be provided for the storage and removal of refuse and recycling from the premises shall be submitted to and approved in writing by the Local Planning Authority before the building is first occupied. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

REASON:

In the interests of the visual appearance of the building and the area in general.

14. APPROVAL CONDITION - Cycle Storage [pre-commencement condition]

Notwithstanding the information already submitted no development shall be occupied until details of the secure, covered cycle storage for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be fitted out with Sheffield stands prior to the occupation of the development in accordance with the approved details. The cycle storage shall be retained whilst the building is occupied for the approved use.

REASON:

In the interest of the amenity of residents and to reduce reliance on the private motor car.

15. APPROVAL CONDITION - Removal of Permitted Development Rights [performance condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), E (outbuildings, enclosures or swimming pools) and F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

REASON

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve all dwellings.

16. APPROVAL CONDITION - Foul and Surface Water Disposal [pre-commencement condition]

Prior to the commencement of the development hereby approved full details of the means of foul and surface water disposal shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

REASON

To prevent adverse impacts on the existing infrastructure in the area.

17. APPROVAL CONDITION - Construction Method Statement [pre-commencement condition]

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

REASON:

In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

18.APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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), 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:

1. A 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.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. 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 scheme 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.

19.APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

20.APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions

has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

21.APPROVAL CONDITION - Hours of Construction [Performance condition]

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of 8am and 6pm Mondays to Fridays and 9am and 1pm on Saturdays. Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

22.APPROVAL CONDITION – Hours of Deliveries [performance condition]

In connection with the implementation of this permission any deliveries or construction traffic relating to the demolition and construction works, shall not take place outside the hours of 9am and 4pm and not after 6pm Mondays to Fridays and 9am and 1pm on Saturdays. No deliveries shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority.

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

23.APPROVAL CONDITION – Mix of Residential Accommodation [performance condition]

The mix and type of accommodation shall be provided in accordance with the details provided within the submitted Design and Access Statement including Drawing No. H08-746-DS02A prepared by Peter Taylor architects and submitted to the Local Planning Authority on the 26 March 2009.

REASON

To ensure an acceptable mix of residential accommodation is proposed to secure a sustainable form of development.

00.General reason for Planning Permission

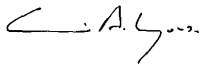
The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations do not have sufficient weight to justify a refusal of the application. The development would provide a safe and convenient access to the site, would not result in undue congestion on the surrounding road. The proposal is in keeping with the site and the surrounds and would not have a detrimental impact on the surrounding properties. The proposed level of car parking would comply with the Council's standards. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted.

Policies - SDP1, SDP7, SDP9, SDP10, SDP13, H1, H8, and IMP1 of the City of Southampton Local Plan Review (March 2006).

Note to Applicant

1. With regard to the layout of the detailed development that is to be submitted pursuant to conditions detailed above, the buildings in plots 5, 6 and 8 should be in excess of 12.5 metres of 17A Holland Place. Furthermore, none of the rear garden areas shall be less than 10 metres in length.

2. With regard to the height of the detailed development that is to be submitted pursuant to conditions detailed above, with any rooms in the roofspace being regarded as a storey, the buildings to be erected pursuant to this permission, with the exception of plots 28 to 30, plots 8 to 9 and 12-17, should not exceed three storeys, the remainder of the development should not exceed two storeys.



Chris Lyons
Planning & Development Manager

26 January 2010

If you have any further enquiries please contact:

Jenna Turner

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings.

Drawing No:	Version:	Description:	Date Received:	Status:
H08-746-L01		Location Plan	26.03.2009	Approved
H08-746-P02		Site Plan	02.06.2009	Approved
H08-746-P03		Other Plans	02.06.2009	Approved
H08-746-P01	A	Block Plan	02.06.2009	Approved
H08-746-DS03		General Plan	26.05.2009	Approved
H08-746-P04		General Plan	02.06.2009	Approved

NOTES

1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State for Communities and Local Government, in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals can be submitted on line www.planning-inspectorate.gov.uk or by a form available from the Planning Inspectorate, 3/15 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS2 9DJ. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been granted other than subject to the conditions imposed by it having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under that Order.
4. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
6. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
7. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
8. The applicant is recommended to retain this form with the title deeds of the property.

Please address any correspondence in connection with this form quoting the application number to: **Development Control Service, Southampton City Council, Civic Centre SOUTHAMPTON. SO14 7LS**