

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 15th October 2013
Planning Application Report of the Planning and Development Manager

Application address: Land to the rear of 104 - 106 East Street			
Proposed development: Erection of a 5-storey building to provide 16 flats (12 X 2-bedroom and 4 X 1-bedroom) with associated facilities (amended plans and description 10.09.2013)			
Application number	13/00514/FUL	Application type	FUL
Case officer	Jo Moore	Public speaking time	15 minutes
Last date for determination:	31.08.2013	Ward	Bargate
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker

Applicant: PD Scammell Ltd	Agent: Tony Oldfield Architects Ltd
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The proposed development will make efficient and effect use of this site within the City Centre, be in keeping with the character of the area, preserve the character and setting of the Town Walls which are a scheduled ancient monument and will not result in any adverse highway or parking implications. The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. 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 for the reasons set out in the report to the Planning and Rights of Way Panel. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Accordingly the proposal complies with the provisions of the National Planning Policy Framework (2012), policies CS1, CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20 and CS25 of the Southampton Core Strategy (2010), saved

policies SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP12, SDP13, SDP14, SDP22, HE6, H2 and H7 of the Southampton Local Plan Review (2006) and the Council's adopted Supplementary Planning Document 'Parking Standards' (2011) and 'Residential Design Guide' (2006).

Appendix attached			
1	Development Plan Policies	2	Minutes from the P&ROW Panel 22/06/2010

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport contributions towards the resurfacing of the footpath from the junction with East Street around the site frontage to the junction with Queensway in Purbeck Slabs and Traffic Restriction Order to extend the 20 mph zone along Canal Walk to Queensway in line with saved policy SDP4 of the City of Southampton Local Plan Review (March 2006) and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD Developer Contributions (2013) ;
- ii. The provision of affordable housing in accordance with policy CS15 of the Core Strategy (2010);
- iii. The submission, approval and implementation of a Waste Management Plan.
- iv. A financial contribution towards the renovation and repair of the Town Wall.
- v. The submission, approval and implementation of a Carbon Management Plan or a financial contribution towards the Council's Carbon Offset Fund in accordance with policy CS20 of the Core Strategy (2010).
- 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.
- vii. Restriction on residents obtaining on-street parking permits for the City Centre.

2. That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to delete, vary or add conditions as necessary as a result of further negotiations with the applicant following the submission of a viability appraisal in support of the application, and that the Planning and Development Manager be given delegated powers to resolve any late representation following the expiry of the second press notice on 25th October 2013.

3. In the event that the legal agreement is not completed within 2 months of the Panel date 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.

Background

The Council has previously granted planning permission for the redevelopment of the site for residential purposes through planning permission ref: 05/01695/FUL for the *'Redevelopment of the site with a five-storey block of 16 flats (10 x 2 bedroom, 6 x 1 bedroom) and associated cycle parking'* and subsequent planning permission ref: 10/00553/FUL for the *'Erection of a five storey building to provide 14 flats (7 x 1 bedroom, 7 x 2 bedroom flats) with associated works'*, both of these permissions have now lapsed.

The current application has been submitted to achieve a greater density of development on the site than would have been achieved through planning permission ref: 10/00553/FUL but would be smaller than the development allowed by ref: 05/01695/FUL. A comparison between the current proposal and the 2010 permission are listed below:

	13/00514/FUL	10/00553/FUL
Number of units	16	14
Building height (maximum)	15m	15m
Number of storeys	Part 4 part 5 storey	Part 4 part 5 storey
Building width fronting Canal Walk	20m	17.5m
Set away from boundary with East Street	0.5m (minimum)	0m (minimum)
Set away from boundary with Canal Walk	1.5m (minimum)	1.5m (minimum)
Set away from boundary with Town Walls	4m (minimum)	4m (minimum)
Parking spaces	None	None

1.0 The site and its context

- 1.1 The application relates to the redevelopment of a parcel of land sited on the corner of Canal Walk (to the south) and Back of the Walls (to the west). The site is also to the rear of 104-106 East Street which lies to its north. The site is scrubland but was previously occupied by a stonemasons; all buildings associated with this business have been removed.
- 1.2 The area is mixed in character and appearance; properties within East Street contain commercial uses at ground floor level with commercial and residential uses at upper floor level. To the east of the site lies a two-storey restaurant, to the south of the site lies a recently constructed part four part five storey building of contemporary design containing 36 flats (ref: 11/01320/TIME). The historic Town Walls which define the west boundary of the site are a Scheduled Ancient Monument and are, therefore, a site constraint.
- 1.3 The site is in a highly sustainable location within the City Centre and its associated facilities and amenities including parks, public transport links, shops and services. The site is not located within the flood plain or a Conservation Area.

2.0 Proposal

- 2.1 The application seeks full planning permission for the erection of a five storey building containing 12 x 2 bedroom and 4 x 1 bedroom flats of contemporary appearance. The building incorporates a large area of glazed panelling, cantilevers and recesses including the fourth floor which is recessed in from the front elevation of the building onto Canal Walk.

- 2.2 The entrance to the building is provided at ground floor level from Canal Walk. Internal space for bin storage and 18 cycle spaces are provided for all of the proposed flats at this level. Only Flats 1 and 2 at ground floor level are to have private areas of amenity space. There is no communal amenity space for the flats however all have access to private terraces or balconies.
- 2.3 To its west the building has been cantilevered at second and third floor level in order to create a visual distinction between it and the Town Walls.
- 2.4 There have been a number a changes between the plans as originally submitted with the application and the current amended plans including the removal of a retail unit at ground floor level and its replacement with two flats, creation of a larger cantilever to the west elevation, and the creation of a set back between the front elevation of the building along Canal Walk to allow for landscaping to be planted. The elevations of the building have also been redesigned and are now more articulated.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 10/00553/FUL - Planning permission granted (21/07/2010) for the erection of a five-storey building to provide 14 flats (7 one bedroom and 7 two bedroom) with associated works. A copy of the Panel minutes from 22/06/2013 are attached as **Appendix 2**.
- 4.2 09/00842/FUL - Planning permission refused (03/11/2009) for the erection of a five-storey building to provide 14 flats (7 x one bedroom and 7 x two bedroom) with associated works.
- 4.3 05/01695/FUL - Planning permission granted (01/06/2006) for the redevelopment of the site with a five storey block of 16 flats (10 two bedroom, 6 one bedroom) and associated cycle parking.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and

nearby landowners, placing a press advertisement (04/10/2013) and erecting a site notice (10/09/2013). At the time of writing the report 2 representations have been received from surrounding residents. The following is a summary of the points raised following amendments to the scheme:

- Impact of noise and disturbance on neighbouring dwellings.
- Additional construction traffic will cause chaos
- There will be a loss of light to properties in East Street.
- Dust and debris from the development will cause damage to neighbouring cars.
- The construction of the development will prejudice the daytime trade at the neighbouring restaurant due to noise and disturbance, dust and general hazards.

Note: As with all redevelopment sites it is recognised that construction does cause a nuisance to those living, working and visiting the locality. However the construction process is transient. Whilst the concerns raised are justified it is wholly appropriate to impose conditions to mitigate disturbance and issues such as hours of construction, noise and dust suppression measures, the storage of materials and the parking of construction vehicles. A planning condition to secure a Construction Environment Management Plan is recommended.

Consultation Responses

- 5.1 **SCC Archaeologist** - This site has been the subject of an archaeological evaluation, carried out in July 2011. The report on the work demonstrates that significant archaeology survives across the site, which could be damaged by the proposed development. Given the importance of the site it is recommended that a programme of archaeological excavation is required, and that conditions are applied to any planning consent.
- 5.2 **SCC Highways** - Raise no objections to the proposal subject to conditions in relation to the method of construction and for wheel cleaning.
- 5.3 **SCC Housing** – As the scheme comprises of 16 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15 + units = 35%). The affordable housing requirement is therefore 6 dwellings.

Note: A viability assessment has been submitted by the applicants to demonstrate that it is not viable to provide affordable housing. This assessment is currently being considered by the Council's independent consultants and a delegation is sought to resolve this issue.

- 5.4 **SCC Sustainability Team** – Raise no objections to the proposal subject to conditions requiring compliance with policy CS20 of the Core Strategy (Code for Sustainable Homes Level 4).
- 5.5 **SCC Environmental Health (Pollution & Safety)** - Raise no objections to the proposal subject to conditions.
- 5.6 **SCC Environmental Health (Contaminated Land)** - The proposed land use is sensitive to the affects of land contamination, conditions are recommended.

- 5.7 **SCC Ecology** – Advise that the site has been highly disturbed and unlikely to support high levels of biodiversity although any site clearance works should take place outside of bird nesting season.
- 5.8 **Southern Water** – Raise concern that the application is to build over a public sewer and recommend that the scheme is amended to prevent this from occurring.

Note: The previously approved scheme ref: 10/00553/FUL also involved building over the public sewer as its footprint of development was very similar to the current proposal. Furthermore the sewer is positioned centrally within the site. The applicant has previously submitted a 'build over' application and Southern Water raised no objection provided that works were undertaken at the expense of the applicant. Subject to the imposition of appropriate conditions to ensure that measures were undertaken to divert the public sewers prior to the commencement of the development the scheme is acceptable.

- 5.9 **SCC City Design** - A dwarf wall and railing scheme is required for the street boundary, the surfacing material should be Purbeck Stone and not Herringbone Block as shown. These changes can be secured by condition.
- 5.10 **English Heritage** - Raise no objections to the proposal subject to conditions requiring the approval of a detailed scheme of archaeological mitigation and conditions for the protection and management of the scheduled monument.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:

- (i) The principle of development
- (ii) The design of the development and its impact on the character of the area;
- (iii) The impact of the development on an ancient scheduled monument (Town Walls)
- (iv) The provision of an acceptable residential environment and impact on residential amenity;
- (v) Highway considerations;
- (iv) The requirement for a S106 agreement.

6.2 Principle of development

The principle of developing the site for residential purposes has previously been established under planning permissions ref: 10/00553/FUL and ref: 05/01695/FUL. Planning policy has changed within the interim period through the Government's National Planning Policy Framework 2012 (NPPF). The NPPF still encourages the re-use of previously developed land, such as the proposal site, for sustainable forms of development. Given the city centre location of the site and the high density of the development proposed the principle of the development is acceptable.

Whilst policy CS16 of the Core Strategy seeks family housing in sites where more than 10 units are being provided it is not considered that such a provision would be appropriate in this instance given the City Centre location of the site

and the density of development which seeks to make efficient use of the site which will assist the Council in meeting its housing requirements.

6.3 The design of the development and its impact on the character of the area

The application proposes a development that maximises the potential of this previously developed site. The overall mass, scale and bulk of the development is less than that permitted through planning permission ref: 05/01695/FUL but more than by 10/00553/FUL (please refer to the comparison table in 'Background' section of this report). Notwithstanding this, through the amendments that have been agreed with the applicant including the set back of the building from Canal Walk at ground floor level, and the articulation that has been put back into this south facing elevation it is considered that the building responds to its setting so that it does not dominate the plot. This has also been achieved through the cantilever in the west elevation to create a visual separation between the development and the Town Walls. The recessed fourth storey of the building will not be read when viewed within the street scene.

6.4. The principle of a five storey development has previously been accepted and, whilst it is acknowledged that the development will have a greater impact on neighbouring properties, the proposal will result in the redevelopment of an area of scrub land which detracts from the overall character and appearance of the area. The contemporary design approach that has been embraced will reinforce the historic alignment of the town walls and will improve the character and appearance of the built environment. A condition can be attached to the permission for sample materials to be submitted for the approval.

6.5 It is considered that the proposed development will make a positive improvement to the visual appearance of the surrounding area and therefore accords with policy CS13 of the LDF Core Strategy (2010) and saved policies SDP1, SDP7, SDP8 and SDP9 of the Local Plan Review (2006).

6.6 The impact of the development on the Town Walls (ancient scheduled monument)

The west elevation of the proposal will lie 4m from the Town Walls. This will allow this monument to be retained as a distinct feature separate from the development. The cantilevering of the second floor of the building to support the upper floors would effectively comprise of a two-storey undercroft being formed to create setting for the walls and would give a clearance of the building above the wall of 2m. As a result the Town Wall would not be directly affected by the proposed development and would remain visually distinct from it. Furthermore the contrast in the appearance and elevational treatment of the new building and the highly textured surface of the remaining Town Walls, would emphasise this historic feature within the street scene.

6.7 The proposed development offers the opportunity for the conservation and preservation of the Town Wall and subject to conditions to ensure its adequate protection the proposal complies with policy CS14 of the LDF Core Strategy (2010) and saved policies SDP1 and HE6 of the Local Plan Review (2006).

6.8 Provision of an acceptable residential environment and impact on residential amenity

Following amendments to the scheme including the removal of a retail unit at ground floor and its replacement with residential flats, the reduction in the overall footprint and scale of the development and changes to its elevational treatment it is considered that the proposal will afford its occupiers an acceptable residential environment. The ground floor and fourth floor units will have large outside terraces whilst the other units will have small private balconies. As such all of the units will have some access to outside space which is acceptable for this City Centre location where access to the City's parks is good. Most of the units will have dual aspect outlook and all will be afforded adequate levels of light. The internal layout of the flats is also spacious; rooms have also been stacked to limit noise transfer which is covered by Building Regulations. 18 secure internal cycle parking will be provided equating to 1 space per unit with 2 visitor spaces. A landscape buffer has been created between the front elevation of the building and the back of the footway along Canal Walk to ensure that privacy is maintained to the ground floor units and to create a distinction between public and private space.

6.9 The units will outlook onto the recently constructed flats across Canal Walk to the south at a distance of at least 11m. This relationship is considered to be acceptable within a street in the heart of the City Centre and is the same as the relationship as previously approved under planning permission ref: 10/00553/FUL. The proposal introduces windows and balconies in the upper floors of the west elevation of the proposal where none had been approved previously. However the separation distance that will be created between 108 Canal Walk and the proposal will not prejudice this neighbouring site. The proposal results in an improvement to the relationship between it and the properties to the north in East Street (as previously consented) as many windows have been removed within this elevation with a subsequent reduction in overlooking. The proposal has also been pulled slightly away from this northern boundary. It was demonstrated that the previous scheme would not adversely affect natural light and outlook to the flats at 104a East Street. Given the set back from the boundary achieved through this current proposal this relationship is improved.

6.10 It is considered that the proposed development will not lead to any adverse impact on the surrounding properties in terms of overshadowing, loss of outlook or loss of privacy. As such the application is considered to accord with policies CS13 of the LDF Core Strategy (2010) and saved policies SDP1, SDP7 and SDP9 of the Local Plan Review (2006) as supported by the Council's 'Residential Design Guide' (2006).

6.11 Highway considerations

The application is a car free development with no-on site parking. This is considered to be wholly appropriate given the City Centre context of the proposal site which is highly sustainable in close proximity to local amenities and public transport links in accordance with policy CS19 of the Core Strategy (2010), saved policy SDP6 of the Local Plan Review (2006) and Supplementary Planning Document Parking Standards SPD (2011). The previous proposal also had no parking as is the scheme opposite at the former Nexus site

6.12 The requirement for a S106 agreement

The application is liable to pay the Community Infrastructure Levy, which is a non-negotiable financial charge towards the provision of infrastructure within the City. This is separate to S106 which seeks site specific contributions and affordable housing. The applicant has submitted a viability appraisal seeking a reduction in the contributions sought in the S106 agreement, this is currently being reviewed by Officers and a delegation is sought to resolve these details.

7.0 Summary

7.1 The design of the development is considered to respond to the constrained city centre site using contemporary design techniques to make a positive contribution to the built environment. The development will secure additional housing.

The previous conditions for application ref: 10/00553/FUL should be reimposed with additional conditions added in accordance with updated consultation responses.

8.0 Conclusion

8.1 It is recommended that planning permission is granted subject to conditions and S106 legal agreement.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1 (b), 1 (c), 1 (d), 2 (d), 3 (a), 4 (f), 4 (g), 6(a), 6 (c), 6 (f), 7(a), 8(a)

JM for 15/10/2013 PROW Panel

PLANNING CONDITIONS

1. 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).

2. APPROVAL CONDITION - Details & samples of building materials to be used [Pre-Commencement Condition]

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for external walls, windows, doors and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed to include the use of Purbeck Stone. Development shall be implemented only in accordance with the agreed details.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

3. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations 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. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment including a dwarf wall with railings along Canal Walk, retaining walls; and
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

4. APPROVAL CONDITION – Archaeological investigation [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of archaeological work 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 archaeological investigation is initiated at an appropriate point in development procedure.

5. APPROVAL CONDITION – Archaeological work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological 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 investigation is completed.

6. 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.

7. 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.

8. 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.

9. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

10. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

Reason:

To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

11. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)

Prior to the commencement of development a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

12. 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 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 [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 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)

13. APPROVAL CONDITION - Wheel cleaning facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

14. APPROVAL CONDITION - Material storage (Pre-Commencement Condition)

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning

Authority, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason:

To avoid undue congestion on the site and consequent obstruction to access.

15. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

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

16. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

17. APPROVAL CONDITION - Storage / removal of refuse material [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

18. APPROVAL CONDITION - Noise - plant and machinery [Pre-Commencement Condition]

The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason:

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

19. APPROVAL CONDITION - Public sewer protection [Performance Condition]

Prior to the commencement of any development the developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewer. Once agreed the scheme shall be implemented in accordance with the agreed details and thereafter maintained.

Reason:

In order to safeguard the public sewer.

20. 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.

21. APPROVAL CONDITION - Materials storage adjacent to the Town Wall [Pre-commencement Condition]

No storage of goods including temporary contracts buildings, plant and stacks of materials and equipment associated with the development shall be stored with the development shall be stored within 4m of the Town Wall Ancient Scheduled Monument.

Reason:

To preserve the scheduled monument in the interest of historic conservation.

22. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason:

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

23. APPROVAL CONDITION - Access control [Pre-commencement Condition]

Prior to the commencement of the development hereby approved a Security Management Plan shall be submitted for the approval in writing of the Local Planning Authority for the enhanced security of communal doors, patio doors, flat entry doorsets, ground floor windows and the audio/visual control of visitors. Such a scheme to be agreed shall be implemented prior to the occupation of the units and retained in perpetuity.

Reason:

To help resist criminal intrusion and to reduce the fear of crime.

Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/s-environment/policy/community-infrastructure-levy-guidance.aspx> or contact the Council's CIL Officer.

POLICY CONTEXT

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP22	Contaminated Land
SDP23	Unstable Land
SDP24	Advertisements
HE6	Archaeological Remains
H2	Previously Developed Land

Supplementary Planning Document

Residential Design Guide (Approved - September 2006)
Development Contributions (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 22 JUNE 2010

Present: Fitzhenry (Except Minute Item 11) (Chair), Jones (Vice-Chair), Letts (Except for Minute Items 13 and 14), Mead, Osmond (Except Minute Items 13 and 14), Slade (Except Minute Items 11, 13, 14 and 15) and Thomas

7. MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)
RESOLVED that the Minutes of the meeting held on 25th May 2010 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.

LAND TO REAR OF 104-106A EAST STREET - 10/00553/FUL

Erection of a five-storey building to provide 14 flats (7x one-bedroom and 7x twobedroom) with associated works.

Mr Mariavatis (Local Business Proprietor) was 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 HEAD OF PLANNING AND SUSTAINABILITY TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY.

RESOLVED

(v) that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to:-

- a) the conditions in the report and the amended conditions below;
- b) the applicant entering into a Section 106 Legal Agreement to secure:

1. A financial contribution towards the relevant elements of public open space required by the development in accordance with policies CS21 & 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) with regard to ;

- Amenity Open Space (“open space”)
- Play Space
- Playing Field;

2. To implement as agreed series of site specific transport works under S.278 of the Highways Act 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);

3. A financial contribution towards strategic transport projects for highway network 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).

- 18 -

4. A highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;

5. A financial contribution towards public realm improvements within the city centre as part of the North/South Spine strategy, 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);

6. A financial contribution towards the renovation and repair of the Town Wall in accordance with appropriate SPG;

7. A refuse management plan to outline the methods of storage and waste collection of refuse from the land in accordance with policy SDP1 of the development plan and appropriate SPG;

8. The provision of a residents parking bay designated by the council by an order under the Road Traffic Regulation Act 1984 for use by residents of the locality in which the development is situated, and the issuing of residents parking permit to allow residents to park in the residents parking bay

9. 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); and

10. In the event that the building has not achieved a shell and core finish (to be defined) within 18 months from the date of the decision notice the applicants shall submit an up to date Viability Appraisal for the Council's consideration. Any increase in the scheme's report profitability at that time (when taken against the figures reported within the application 10/00553/FUL) shall be reported to the Council with any increase in value being paid to the Council within 6 months of the Council's agreement of the revised viability)or within an alternative timescale to be agreed).

(vi) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 21st July 2010 on the ground of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

19 - Construction Environment Management Plan

Prior to the commencement of any development a written construction environment management plan, which shall include details of consultation with the owners of neighbouring properties, shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

REASON:

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

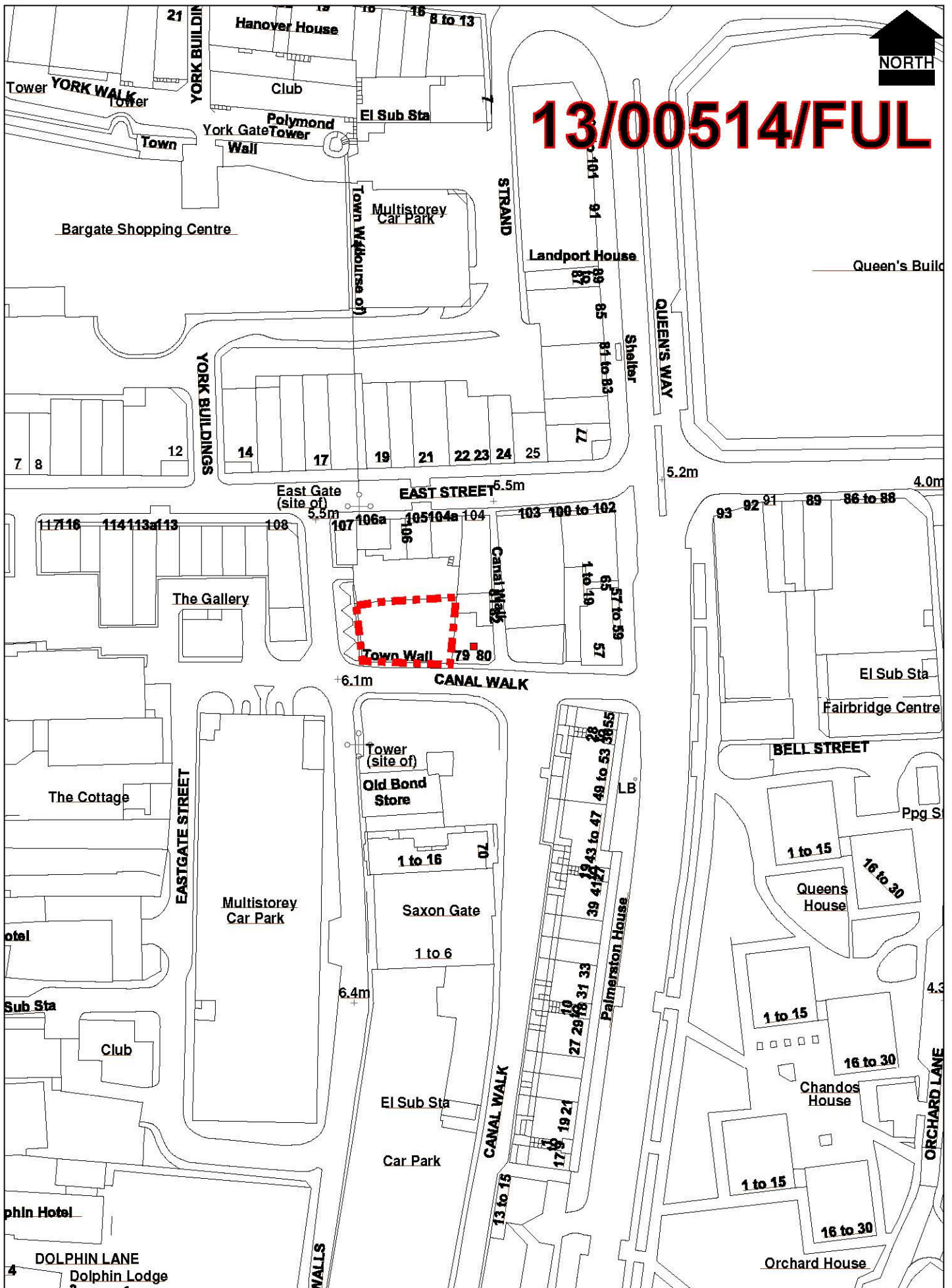
REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the impact of the proposed development on the adjacent scheduled monument and the surrounding commercial uses 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 – CS4, CS5, CS13, CS14, CS15, CS16, CS19, CS20, CS25 of the adopted Core Strategy (January 2010) and SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, H1, HE1, HE6 and of the City of Southampton Local Plan Review (March 2006).



13/00514/FUL



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Date :02 October 2013

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