

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 19 November 2013**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land At Inkerman Road/Johns Road, Southampton			
<b>Proposed development:</b> Redevelopment to provide 11x 2-storey houses (7x 3-bedroom and 4x 2-bedroom) with associated car parking and the extinguishment of an existing public Right of Way			
<b>Application number</b>	13/01364/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	05.12.13	<b>Ward</b>	Woolston
<b>Reason for Panel Referral:</b>	Major planning application subject to alteration to a Public Right of Way	<b>Ward Councillors</b>	Cllr Cunio Cllr Hammond Cllr Payne

<b>Applicant:</b> George H Austin (Builders) Ltd	<b>Agent:</b> RBA
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	Yes, unless the scheme is 100% affordable where Affordable Housing Relief should be claimed
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The Council has taken into account the existing site allocation for a Library use, permission 12/00039/R3OL and neighbouring residential properties. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected as detailed in the report to Panel dated 19<sup>th</sup> November 2013. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies - CS3, CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the City of Southampton Local Plan Review (March 2006) and Policies SDP1, SDP4,SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, NE4, HE6, CLT3, CLT5, CLT6, H1, H2, H3, H7 and MSA15 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the National Planning Policy Framework and the Council's current supplementary planning guidance listed in the Panel report.

<b>Appendix attached</b>			
1	Development Plan Policies	2	Decision Notice for 12/00039/
3	R3OL plus site layout	4	Minutes from Panel for 12/00039/ R3OL

## **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 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 SPD relating to Planning Obligations 2013;
- ii. Affordable housing contribution in accordance with LDF Core Strategy Policy CS15;
- iii. Financial contribution towards the Carbon Offset fund to be invested in off-site renewable energy and energy efficiency projects throughout the city in line with policy CS20 of the Core Strategy the revised Developer Contributions SPD (2013)
- 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.

2) In the event that the legal agreement is not completed within two months of the Panel meeting 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.

3) That the Planning and Development Manager be given delegated powers to remove, vary or add clauses to the s.106 and/or conditions as necessary.

And also subject to -

4) The Panel authorising the extinguishment of the public Right of Way footpath across the site.

### **1.0 Background**

1.2 Outline consent was approved at Panel on 21.08.2012 for the redevelopment of the site for the same quantum of development. However, the scheme's layout has been amended to enable development to be sited away from the drainage system that lies beneath the site. Therefore the application cannot be dealt with as a reserved matters application. Full permission is being sought.

1.3 A public Right of Way crosses the centre of the site and the initial application submission realigned this footpath along the side of the site adjacent to the playground in a similar fashion to the outline application. However, during the application stage a concern was raised by Hampshire Constabulary that the resulting realignment of the footpath would result in issue of public safety as it would provide a confined narrow alleyway. Following discussions with the Agent and the Right's of Way Officer it was agreed the best course of action was to extinguish the Rights of Way. Amended plans have been received to remove the footpath and provide extra rear garden space. At the time of writing this report a re-consultation of the neighbours has been undertaken (expiry 15/11/2013). Any responses made will be brought to the Members attention during the meeting. Therefore, in addition to the assessment of the application an assessment as to whether the Right of Way should be extinguished is required by Members.

1.4 As no library is proposed within this scheme the proposal is a departure from the Development Plan (the site is safeguarded as a library site within policy MSA 15).

## **2.0 The site and its context**

- 2.1 The site has not altered since the previous approval. The surrounding context in terms of the neighbouring properties and their uses has not changed.
- 2.2 The site has a number of trees protected by the Southampton (Northwest Woolston) TPO 1976. As such, the trees have been an influence in the design and layout of the site.
- 2.3 To the north and north-west of the site are commercial properties fronting Portsmouth Road as well as residential properties. To the south and east of the site the properties are mainly residential. There is a children's play area adjacent to the site. The properties are two-storey in character and differ in style and design due to their differing ages. The houses opposite were constructed in the 1990's and the cottages in John's Road are mid to late 19<sup>th</sup> Century.

## **3.0 Proposal**

- 3.1 The scheme put forward once again seeks to provide 11 dwelling units and 11 car parking spaces. Seven of the units proposed have 3 bedrooms and four have 2 bedrooms. The overall site density is 50 dwellings per hectare in an area that requires 50 to 100 dwellings per hectare.
- 3.2 The development addresses both John's Road and Inkerman Road with a mews type of development fronting Inkerman Road. Three terraced units front John's Road and four front Inkerman Road. A car parking area adjacent to Inkerman Road which will be well screened is set out in front of the four central units similar to the layout of the housing further up Inkerman Road. Each property has their own car parking space and is two-storey in height.
- 3.3 The design is a modern take on the development adjacent. The mix of materials provides a sympathetic pallet to fit in with the differing styles of housing in John Road and Inkerman Road itself. The external appearance of the units will be mainly brick especially at first floor with through render and cedar cladding elements at ground floor.
- 3.4 The application site lies within the Woolston District Centre and therefore is highly accessible for public transport. Cycle, bin stores and a separate access to the rear gardens have been provided for each unit.

## **4.0 Relevant Planning Policy**

- 4.1 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*.
- 4.2 The site is reserved for a library (MSA 15 refers) although this allocation has been superseded by the Centenary Quay Development. Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 4.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> 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. **Appendix 1**

## **5.0 Relevant Planning History**

- 5.1 04/01433/FUL - Siting and use of 8 no. ISO shipping containers to be used as artist studios. REF - 24.12.2004
- 5.2 12/00039/R3OL Redevelopment to provide 11 houses (7 x 3-bedroom, 4 x 2-bedroom) with associated car parking and access involving diversion of an existing public right of way (outline application seeking approval for Access, Layout and Scale). Approved at Panel on 21.08.2012 and granted 29.08.2012. a copy of the planning permission and Panel minutes are attached to this report at appendix 2 and 3.

## **6.0 Consultation Responses and Notification Representations**

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (25.10.2013). At the time of writing the report 0 representations has been received. A renotification has taken place following the change to the right of Way. A verbal update will be given at the meeting.
- 6.2 **Consultation Responses**
- 6.3 **SCC Rights of Way** – No objection. Following concerns from Hampshire Constabulary over the safety of the Right of Way discussions have taken place to remove the footpath. Whilst there were pros and cons for either a diversion or extinguishment of the existing footpath, it was eventually considered that the best alternative would be for extinguishment.
- 6.4 **SCC Highways** – No objection. However, a number of the parking spaces do not appear to have sufficient pedestrian sightlines, specifically spaces 1 and 2, 3 and possibly 4. Pedestrian sightlines of 2m x 2m are required and this is secured via condition 6 of the suggested conditions.
- 6.5 **SCC Planning Policy** – No objections or comments
- 6.6 **SCC Archaeology** -No objection.
- 6.7 **SCC Environmental Health** -No objection
- 6.8 **Hampshire Constabulary** – No objection. it would be more appropriate to have either a 850mm wall or railing, which would be far more robust and attractive fronting the properties instead of timber knee rails.

*Officer's response*

*The suggested landscaping condition has been amended to include this.*

- 6.9 **SCC Housing** –As the scheme comprises of 11 dwellings in total the affordable housing requirement from the proposed development is 20% (CS15- sites of 5-14 units = 20%). The affordable housing requirement is therefore 2 dwellings.
- 6.10 **SCC Sustainability Team** – If the officer is minded to recommend approval, conditions are recommended to ensure that the development achieves level 4 of the Code for Sustainable Homes in accordance with policy CS20 of the Local Development Framework Core Strategy. A planning condition is recommended.
- 6.11 **SCC Ecology** – The slow worm population has now been translocated to the grassland at Frogs Copse. The removal of this habitat would result in a loss of local biodiversity to mitigate this loss. A condition requiring the submission of an ecological mitigation package (including a methodology for avoiding impacts to nesting birds during site

clearance) as per the consent for 12/00039/R3OL should be included.

6.12 **SCC Trees** - No objection subject to recommended conditions.

6.13 **City of Southampton Society** - Objection due to concern that access to the existing footpath to the rear of Portsmouth Road is to be stopped up. In addition, the proposal will have an adverse impact on the Ecology and Wildlife on site, especially slow worms.

*Officer's response*

*An enlarged plan has been submitted to show that a footpath remains open and lies out side of the development site. With respect to the issue relating to slow worms see Council's Ecologist response above.*

## **7.0 Planning Consideration Key Issues**

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

- The principle of this form of development/ site allocation
- Impact on amenities of occupiers of neighbouring properties
- The impact on the character of the property and of the area.
- Quality of the living environment created.
- Extinguishment of the Right of Way
- Access and car parking
- Trees, ecology, landscaping and sustainability
- CIL and mitigation

### 7.2 The principle of this form of development/ site allocation

The principle of development is acceptable and a very similar scheme has been recently approved at Panel. The site has been vacant for some time and only part of the site is allocated for a library the rest is previously developed land. A library site is no longer required in this location as one is approved in the nearby Centenary Quay development. As the policy is no longer relevant the proposal should be assessed against other relevant policies set out in the Local Plan and the Core Strategy.

7.2.1 The site is previously developed and would provide family dwellings with three bedrooms akin to the surrounding properties. The proposal is therefore considered to accord with the provisions of policy CS16 of the Core Strategy as it provides a suitable mix of units to meet the council's housing need. The principle of making more efficient use of previously developed land to provide residential development is acceptable in this location.

7.2.2 The site lies in a very sustainable location and is very convenient for both buses and trains. The surrounding area is predominantly residential and characterised by two storey dwelling houses. The most appropriate use of this previously developed site is considered to be residential housing, of a similar scale and type as that within the immediate area.

### 7.3 Impact on amenities of occupiers of neighbouring properties

All development has an impact on its neighbours; however, the residential amenities of nearby residents will not be adversely harmed by this development. The proposed development will not give rise to harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance and the orientation of the proposed dwellings in relation to neighbouring properties.

7.3.1 The proposal meets all the privacy distances as the layout of the units means the properties face front to front with neighbouring properties with a road between them due to the site being located on a corner. The site is level and therefore the properties will not

lie much higher than the existing properties (the average height of the proposed units is 8m to their ridge). Therefore, the proposal is considered to be appropriate given the separation distance of buildings from boundaries, the distance from neighbouring properties and the levelness of the site. The development is broken up into five blocks; one block of three dwellings and four blocks of semi-detached dwellings. As with the approved scheme a number of units look out towards a gabled end with a separation of less than 12m. This arrangement is as previously approved and to a certain degree is 'buyer beware'.

#### 7.4 The impact on the character of the property and of the area.

The proposed development would make efficient use of previously developed land whilst retaining its spacious and verdant character. This is achieved largely through the plot sizes proposed, the separation of the proposed buildings from the site boundaries and the retention of the mature screening to the northern boundary of the site. The provision of car parking spaces in front of some of the dwellings and for some units in a central area ensures the development would not appear to be dominated by hard standing when viewed from public vantage points.

#### 7.5 Quality of the living environment created.

All new residential development is expected to provide prospective residents with a good living environment. The internal layout is compatible with modern living standards. All habitable rooms will receive acceptable outlook, ventilation and day lighting. Rooms with obscure glazed windows on the side will have outlook from windows on the returns.

7.5.1 The three terraced properties fronting John's Road have kitchens to the front, a lounge/diner to the rear and toilet on the ground floor. There are three bedrooms and a bathroom at first floor. The refuse storage for plot one is in the side garden area and on the other two units it is inbuilt within the front or side elevation behind cedar cladding. The four properties fronting Inkerman Road are semi-detached properties and have two bedrooms and a bathroom at first floor, a toilet and an open plan kitchen and lounge at ground floor. The refuse storage is inbuilt with the front elevation of these four units behind cedar cladding.

7.5.2 The two central semi-detached properties to the rear of the proposed terrace of three are three bed units with a bathroom and bedrooms at first floor. A kitchen, toilet and lounge/diner are proposed at ground floor. The kitchens are to the front of the properties. The other semi-detached units adjacent to this are also three-bed with a bathroom and bedrooms at first floor and kitchen, toilet and lounge/diner at ground floor. The kitchens are located to the rear of these properties.

7.5.3 In terms of residential amenities for potential occupiers an appropriate provision of useable garden space has been set out for each dwelling ranging from approximately 50 sqm to 145 sqm. Not all dwellings achieve 10m depth but 7.7m in depth but the layout of the external space provided is usable in terms of its shape and design. Each dwelling has secure refuse and cycle storage either attached to the dwelling or within the rear garden area. The living environment provided by this proposal is deemed appropriate for this type of development given its proximity to the Centre and transport links.

#### 7.6 Extinguishment of the Right of Way

The extinguishment of the Right of Way that lies across the site is deemed acceptable by Officers as an alternative route is available for the public along Cooper's Lane to from Portsmouth Road to Inkerman Road. The use of Cooper's Lane does not deviate the public's route between the two roads to a great extent. Although the existing footpath through the site is used it is not used extensively as noted when Officer's visited the site. The public will still be able to use a viable 'cut through' (Cooper's Lane) and therefore it is

the Officer's opinion that the loss of this footpath negates the security issues that could arise from the initial proposal for realignment.

## 7.7 Access & Car parking

Parking provision is provided in accordance with the adopted Parking Standards SPD. One car parking space is proposed for the units, which is deemed acceptable. Car parking is provided to the side of the units for the three dwellings fronting John's Road. Along Inkerman Road two blocks of two houses are proposed to the back of the pavement with car parking to the side of the properties. In line with the existing layout of properties further up Inkerman Road four of the units are set out in a mews style development with car parking to the front of the properties to minimise the impact on the TPO trees. The general layout is accepted subject to conditions seeking to provide sufficient sight lines for all the spaces fronting both road frontages.

## 7.8 Trees, Landscaping, Ecology and sustainability

7.8.1 The site contains a large number of mature trees, most notably to its northern boundary with Portsmouth Road. The Council's Tree Team is satisfied that development works can take place without harming the root protection areas of the retained trees. However, safeguarding and protection measures for the trees will be secured by way of condition.

7.8.2 There are a number of areas within the development which are to be landscaping, and a condition is suggested.

7.8.3 With regard to ecology, the vegetation around the site provides good connectivity with surrounding areas allowing foraging activity to occur in nearby gardens as well as on the site itself. As such, landscaping measures will include locally native species.

The development has been designed to meet Level 4 of the Code for Sustainable Homes which is welcomed.

## 7.9 CIL and Mitigation

This major development is CIL liable (as it creates additional residential units a charge of £70/sq.m will be levied) and a S.106 legal agreement is recommended to secure affordable housing and the site specific highway works needed to mitigate against the development.

## 8.0 Summary

8.1 The principle of redevelopment of this site for housing is accepted as a library is no longer needed/required in this location. The scheme has been designed around the site restrictions in terms of the TPOs. It also provides family housing and affordable units, and is acceptable in parking and highways terms. The impact on neighbouring dwellings has been mitigated through the layout and proposed scale of dwellings. As such an appropriate residential environment is proposed.

## 9.0 Conclusion

9.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions.

## **Local Government (Access to Information) Act 1985** **Documents used in the preparation of this report Background Papers**

1(a), (b), (c), (d), 2 (b), (d), 4 (f), 6 (c), 7 (a), 9 (a), (b).

## **AL for 19/11/2013 PROW Panel**

Conditions to include :-

### **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 - Details of building materials to be used [Pre-Commencement Condition]**

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

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.

### **03. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Class F (hard surface area)

### **04. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]**

The proposed obscured glazed windows set out in drawing no 2.001 rev D2 on the units hereby approved shall be glazed in obscure glass and shall be shall only have a top light opening. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason:

To protect the privacy enjoyed by the occupiers of the adjoining property.



#### 05. APPROVAL CONDITION - Car parking layout [Pre-occupation Condition]

Prior to occupation of the units hereby approved the car parking spaces set out on drawing 2.001 rev D2 shall be laid out and clearly marked in order to allocate the units on a 1:1 basis. The parking layout and allocation of spaces on a 1:1 basis shall be retained and unaltered unless agreed in writing by the local planning Authority.

#### REASON

In the interests of highway safety.

#### 06. APPROVAL CONDITION - Sightlines specification [Pre-Commencement Condition]

Pedestrian two metre by two metres forward visibility sight lines (measured from the back edge of the footpath) shall be provided for each parking space before the use of any dwelling hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 600mm above carriageway level within the sight line splays. In addition the car parking spaces for units 10 and 11 shall be assessed via the shared parking area unless agreed otherwise in writing by the Local Planning Authority.

#### Reason:

To provide safe access to the development and to prevent congestion on the highway.

#### 07. Approval Condition - Refuse and Recycling Bin Storage (Pre-commencement conditions)

Details of the location, type and appearance of the facilities to be provided for the storage and removal of refuse and recycling from each dwelling 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 thereafter.

#### Reason

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

#### 08. Approval Condition Cycle storage (Pre-commencement Condition)

Notwithstanding the information already submitted no development shall commence until plans and elevational 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 provided prior to the first occupation of the dwellings hereby approved and thereafter retained for that purpose at all times.

#### Reason

To ensure an appropriate provision of cycle storage is made for future occupants of the site in accordance with saved policy SDP5 of the adopted Local Plan.

#### 09. 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.

10. 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.

11. 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.

12. 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).

### 13. 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).

### 14. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures (including a methodology for avoiding impacts to nesting birds during site clearance) which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

#### Reason

To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

### 15. 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 either a wall or railing of up to one metre along the frontages of the proposed properties along John Steet and Inkerman Road, including 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

#### 16. 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.

#### 17. 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.

#### 18. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

#### 19. 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:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. 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.

#### 20. 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.

#### 21. 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.

#### 22. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The Council has taken into account the existing site

allocation for a Library use, permission 12/00039/R3OL and neighbouring residential properties. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected as detailed in the report to Panel dated 19<sup>h</sup> November 2013. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies - CS3, CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the City of Southampton Local Plan Review (March 2006) and Policies SDP1, SDP4,SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, NE4, HE6, CLT3, CLT5, CLT6, H1, H2, H3, H7 and MSA15 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the National Planning Policy Framework and the Council's current supplementary planning guidance listed in the Panel report.

#### Note to Applicant

##### 1. NOTE TO APPLICANT

###### 1. Performance conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

###### 2. Traffic highway works

The removal of the parking bays, traffic island and relocation of the signage a Traffic Regulation Order will be required which is a separate process and involves a separate consultation.



**13/01364/FUL**

Scale : 1:1250

Date 06 November 2013

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