

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 13 January 2015
Planning Application Report of the Planning and Development Manager

Application address: Bedford House, Amoy Street, SO15 2DR			
Proposed development: Redevelopment of the site to provide 18 x two-storey houses (14 x three bedroom, 4 x two bedroom) with associated access and parking.			
Application number	14/01778/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	15 minutes
Last date for determination:	28.01.2015	Ward	Bargate
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Noon Cllr Tucker Cllr Bogle

Applicant: Culvadene Properties 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 Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including parking pressure, impact on neighbouring amenity, design and character 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 judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. 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).

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP17, SDP22, HE1, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) Policies CS3, CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20 and CS25 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

Appendix attached	
1	Development Plan Policies
2	Planning History

Recommendation in Full

Conditionally approve

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. A financial contribution towards site specific transport 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 (September 2013);
- ii. Provision of affordable housing in accordance with Policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).
- iii. 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.
- iv. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with Policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
- v. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), Policies SDP12 of the City of Southampton Local Plan Review (March 2006), CS22 of the Core Strategy and the Planning Obligations SPD (September 2013).
- vi. An obligation to preclude future residents being issued with car parking permits.

2. In the event that the legal agreement is not completed by 28.01.2015 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 add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1 The site and its context

- 1.1 The application site comprises a part single and part two-storey, flat-roof building which previously provided a day centre for the mentally ill but is now vacant. The site is accessed from Amoy Street. Beyond the eastern site boundary lie public car parks but apart from this, the site is neighboured by residential properties and gardens.
- 1.2 Immediately to the south of the site and to the eastern end of Amoy Street is the boundary of the Carlton Crescent Conservation Area. The surrounding area is residential in character and typically comprises two-storey, terraced and semi-detached housing.

2 Proposal

- 2.1 The application seeks planning permission for the demolition of the existing building on site and the construction of 18 two storey houses.
- 2.2 The development is formed of two terraced rows and a pair of semi-detached dwellings which would provide a mixture of two and three bedroom accommodation. In terms of scale the development will be of modest two storey height with no accommodation being proposed within the roof space.
- 2.3 It is not proposed to link Henry Street to the south of the site with Amoy Street. A strip of land was retained in the Council's ownership as a 'ransom strip' between the site and Henry Street to prevent such a connection being made in the future. A total of 19 car parking spaces are proposed.

3 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 The site is not allocated for a particular use or development within the Development Plan. The site lies within an area of high accessibility for public transport.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.4 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. **Relevant Planning History**

- 4.1 Planning permission was originally granted for the construction of a day care centre in 1975 (reference 1473/C1).
- 4.2 Outline planning permission was refused in 2013 for the re-development of the site and provision of 10 x two and two and a half storey houses with associated car parking and storage. Two reasons for refusal were listed. The first reason was added due to the impact of the development on the character and residential amenity of the area; the second reason related to the failure of the applicant to enter into a section 106 legal agreement.
- 4.3 The full details of the two reasons for refusal are listed at Appendix 2.

5 **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 (07/11/2014) and erecting a site notice (07/11/2014). At the time of writing the report 11 letters of representation have been received including objections from three local ward members and the City of Southampton Society. The following is a summary of the points raised:
- 5.2 ***The development is closer than the Council's separation distances permit to properties on Canton Street which back onto the site and would therefore have a harmful impact on privacy and would appear dominant when viewed from neighbouring properties.***
- 5.3 Response
The proposed houses to the south of the site would be 21 metres from the main rear building line of the rear elevations of properties on Canton Street. Some of the properties on Canton Street which back onto the site do however have two storey rear projections that include habitable room windows. For these properties the separation distance reduces to 17 metres. The rear elevation of the proposed dwellings are positioned approximately 9 metres off of the boundary with rear neighbouring properties.
- 5.4 Given the inner city location of the development where shorter than average rear garden depths and back to back distances already exist the proposal is supported in terms of its impact on the character of the area. As such whilst the relationship of the development with the properties on Canton Street does not strictly meet the recommended distances set out in the Residential Design Guide (RDG) the proposal is considered acceptable as the RDG makes allowances for inner city locations and allows the standards to be applied with flexibility.
- 5.5 ***Increased competition for on-street car parking spaces in the locality. Maximum parking standards. Eligibility for parking permits.***
- 5.6 Response
The surrounding streets are within a Controlled Parking Zone and the Section 106 Agreement associated with the application would prevent future occupants of the development from being issued with parking permits. As such, it is not considered that the proposal would generate harmful overspill car parking on the surrounding

streets. The development complies with the Council's parking standards by not exceeding the maximum.

5.7 Each dwelling would be served by its own allocated car parking space (controlled by planning conditions) and one visitor parking space is provided. Having regard to the accessibility of the site to public transport and local facilities, it is not considered that the proposal would place undue pressure on existing on-street car parking. The restriction of car parking permits is also considered to assist in ameliorating this issue. In addition as the site is located within a high accessibility area, car ownership is not necessary to access shops and amenities associated with the City centre.

5.8 ***The proposal would lead to a loss of six on-street car parking spaces on Canton Street.***

5.9 Response

No off-road car parking spaces would be removed as a result of this planning application.

5.10 ***How will visitors attend the site as parking in the area is restricted by a controlled parking permit scheme?***

5.11 Response

The options available to visitors to the site will be no different from that of visitors to other properties in the area or indeed the City where parking controls are in place. Parking restrictions clearly have an impact on visitors who choose to travel by private motor vehicle. The site is located within a highly accessible area with alternative travel modes available to visitors.

5.12 ***Overdevelopment of the site.***

5.13 Response

The proposal seeks to make an efficient use of the site and provide housing. The accessibility of the location allows for a high density scheme, however at 59 dwellings per ha the density proposed is less than the 100 dwellings per ha target set out by policy. The decision to provide a high percentage of family housing was chosen in response to the surrounding character. The design and layout of the development is judged to have carefully balanced relevant policies and design standards at the same time as considering local residential amenity. Officers consider that an acceptable balance has been achieved. The density of the development (59 dwellings per ha) is acceptable given its context and as such is compliant with Policy CS5.

5.14 ***Layout, scale and proportions should respect existing buildings and integrate into the community. The scheme fails to comply with Policy SDP9 as it would not respect the surroundings in terms of scale, massing and visual impact.***

5.15 Response

The design of the scheme in terms of layout, scale and proportions of the buildings is judged to integrate acceptably with the pattern of development within the local area. The Victorian Street pattern and plot widths have been replaced. The design is therefore considered to be compatible with the character of the local

area which is dominated by Victorian era streets and houses. The proposal would also replace a large building which pays no respect to the surrounding character and form of development.

5.16 The proposal seeks to replicate the historic Victorian street pattern and the housing design is a modern interpretation of a Victorian terraced row with additional space provided for parking (at the cost of more housing). The height of the buildings also respect the surrounding residential properties (two-storey height). The development is judged to be compliant with Policy SDP9. The roof pitch is also relatively shallow and it respects neighbouring roof design.

5.17 ***The scheme is contrary to Policy SDP8 as it fails to integrate into the existing urban structure.***

5.18 Response

Policy SDP8 seeks to ensure that the proposed development integrates with the local environment by ensuring that development relates positively to the public realm. In this case the development includes windows that overlook the public areas of the site and doors are visible from the public realm and thus ensure that natural surveillance is achieved. A small area of defensible space will be provided to the front of each dwelling and there will be a clear distinction between public and private space. Compliance with policy SDP8 is judged to have been achieved.

5.19 ***Roof design differs from the surrounding properties and provides the opportunity for large permitted development extensions.***

5.20 Response

The roof pitch is relatively shallow and is not significantly different to surrounding roofs. Permitted development can be removed by condition should there be concerns regarding future overlooking potential. A condition is recommended.

5.21 ***The proposal does not address the protection of existing trees on the site.***

5.22 Response

Planning conditions can be added to protect trees proposed to be retained on site.

5.23 ***Development is not pedestrian friendly.***

5.24 Response

The layout of the street has been supported by the Highways Development Management Team. The street will create a shared surface for pedestrian and vehicular movement. Drivers will slow on the entrance to the development owing to the traffic calming measures set out on the proposed site plan.

5.25 ***Refuse management.***

5.26 Response

Refuse will be collected from each property rather than a centrally located bin store. Provision has been made on site to the front of each property for two bins, one for general and one for recyclable wastes. The bin storage is integrated into design of the houses to aid collection and improve the appearance of the street scene.

5.27 **Potential for HMO's.**

5.28 Response

Should an owner of a three bedroom dwelling seek to convert the dwelling to an HMO planning permission will be required.

5.29 **Security of the ransom strip is negatively impacted by the proposal. Ransom strip demarcation and boundary.**

5.30 Response

The proposal does not seek to alter the ransom strip or boundary treatment between the site and Henry Street. The ransom strip is in the ownership of the City Council and the management is by the property services department. This matter is not a significant material planning consideration.

5.31 **Site management.**

5.32 Response

The area of the site that will include the vehicle access and turning head will be adopted by the City Council as Highways Authority. The remaining public spaces within the site will be separately managed by the developer/property owners

5.34 **Rear/side access.**

5.35 Response

Lockable gates to the rear access paths can be controlled by an appropriately worded landscaping condition.

5.36 **Site access, demolition and construction.**

5.37 Response

A suitable planning condition can be added to ensure that the development will have limited impact on neighbouring amenity during construction and demolition. Site access will be prohibited from Henry Street due to the ransom strip.

5.38 **The proposed dwellings would be very cramped.**

5.39 Response

The Council do not have minimum room sizes to apply. The living conditions within each house proposed would meet the councils adopted standards in terms of access to natural light, achieving acceptable outlook from habitable rooms and privacy. Gardens have also been provided which will provide private outdoor space.

Consultation Responses

5.40 **SCC Highways** – The development is within the City centre and the on-street parking spaces in the area contain parking restrictions via either resident permit holders (restrictions apply between 08:00-18:00) or pay and display parking [08:00-20:00 (evening charge)]. With parking permit restrictions residents are unlikely to add to local pressure. The site may however generate visitor trips in

the evenings.

- 5.41 From the results of the 01:00 survey, Canton Street appears to be the area with the highest parking demand. But with no pedestrian access to the site directly off Canton Street, visitors have no extra incentive to park on Canton Street compared to Bedford Place and Wilton Avenue where the survey shows more available spaces. The corners of the nearby junctions all contain double yellow lines so any potential increase in parking will not be a highway safety concern.
- 5.42 Visitors during the evening hours will also have the option to use the public car park directly in front of the site and there is parking available in the area after 18:00 – except Canton Street which appears to have reached capacity.
- 5.43 The Highways Team have no objection subject to conditions to secure the detailed design of the road and pedestrian footpath (to adoptable standards), treatment of the hard surfaced “rumble strip” to define turning area close to the corners of the dwellings proposed and the management of construction related vehicles and storage.
- 5.44 **SCC Housing** – No objection. There is a requirement to provide 35% affordable housing units and this should be provided on site. The affordable housing requirement is therefore six dwellings (6.3 rounded down).
- 5.45 **SCC Sustainability Team** – No objection. Suggest conditions to ensure the development attains Level 4 of the Code for Sustainable Homes.
- 5.46 **SCC Historic Environment** - No objection subject to conditions to secure the necessary archaeological investigations.
- 5.47 **SCC Trees** - No objection received.
- 5.48 **SCC Environmental Health (Contaminated Land)** – The proposed land use is sensitive to the effects of land contamination and there are potentially contaminating historic land uses within the locality. Recommend conditions to investigate and neutralise contaminants where necessary.
- 5.49 **SCC Ecology** – No objection subject to conditions to secure ecological mitigation measures and to protect nesting birds in the construction process.
- 5.50 **Southern Water** – No objection subject to conditions to secure details of drainage and measures to protect the public sewer.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. Principle of development;
 - ii. Design and impact on character of the area;
 - iii. Impact on residential amenity;
 - iv. Quality of the residential environment proposed; and
 - v. Parking and highways.

Principle of Development

- 6.2 Before the principle of the redevelopment of the existing community building for an alternative use can be accepted, Policy CS3 of the Core Strategy requires an assessment of the need for the use of the building for community purposes. The support services which previously operated from Bedford House were relocated to alternative premises within the locality when the building was vacated. This took place as part of a strategic review and consolidation of the Council's Day Service provisions. The previously refused application included a review of the availability of community use provision within the vicinity of the application site. This review demonstrated that there is adequate provision for community uses within the area and as such, the principle of the loss of the community facility is acceptable. Whilst the previous application was refused loss of a community asset was not listed as a reason and therefore this issue of principle is judged to have been addressed.
- 6.3 The application would make efficient use of previously developed land to provide housing. The proposal incorporates more than the target level of family homes set out in policy CS16 of the Core Strategy. The proposed residential density at 59 dwellings per hectare is lower than the density range recommended by Policy CS5 of the Core Strategy. However the decision to lower the density in favour of family housing is considered acceptable given the character of the neighbourhood and neighbouring residential amenity. The principle of the redevelopment of the site to provide residential accommodation is therefore considered to be acceptable.

Design and Impact on Character of Area

- 6.4 The key consideration in this respect is whether the overall design, scale and layout of the proposal is in keeping with the character of the area, including the setting of the adjacent conservation area. The proposed layout seeks to replicate the historic street pattern and enable a typical residential street to be created. The buildings are of domestic scale and the form of the houses would be noticeably more in keeping with the surrounding area than the existing building on the site.
- 6.5 Replication of the historic Victorian terrace and street pattern is the most appropriate way to develop the site for residential purposes. Also urban design principles have been achieved including landscape and housing terminating streets formed; public space and doors to properties overlooked by habitable room windows; and prioritisation of pedestrian movement through creation of a homezone by shared surfaces.
- 6.6 Whilst there are no Tree Preservation Orders on or adjacent to the site, the proposed layout enables the retention of the vast majority of existing trees on site which would soften and offer some screening of the development when viewed from neighbouring properties. The terraced properties reflect the prevailing pattern of development within the vicinity of the site and the domestic scale of the properties would also be reflective of the character of the area.

Impact on Residential Amenity

- 6.7 The rear elevation of the southern houses on the site would be 21m from the main rear building line of the rear elevations of properties on Canton Street. In the case of a few of the houses on Canton Street two storey rear extensions have been

added and include habitable room windows within the rear elevations of the extensions. Where this occurs the separation distance reduces to 17m for those properties. The properties to the north of the site fronting Wilton Avenue would achieve between 19m and 20m separation to the rear elevations of their projecting "rear additions". The separation distances between the flank wall of the terrace and the rear elevations of properties on Devonshire Road exceeds the recommended 12.5m as set out in the RDG.

- 6.8 The proposed separation distances are slightly less than the 21m recommended by the RDG, however, the guidance makes it clear that these standards can be applied more flexibly where separation distances are typically tighter within the site's context. The surrounding area does have a fairly dense character and back-to-back separation distances notably less than 21 metres can be observed. As such, the separation distance between the site and neighbouring properties fronting Wilton Avenue and Canton Street is considered to be acceptable in this instance. This is judged to also be the case for the properties that have been extended on Canton Street where the separation distance has been reduced to 17m.

Quality of Residential Environment Proposed

- 6.9 In terms of amenity space, each dwelling would be served by private rear gardens. The floor area and rear depths of the gardens are slightly less than the recommended sizes set out in the RDG; however, garden sizes that are smaller than those recommended by the RDG are a general characteristic of the local area.
- 6.10 The gardens proposed would provide a useable space for prospective occupants. The relationship of the proposed dwellings to one another is considered to create an acceptable residential environment and defensible space is provided to the front of properties and to the street. Cycle and refuse storage can be provided to the required standard and a condition is suggested to secure this.

Parking and Highways

- 6.11 The provision of 19 parking spaces to serve the 18 dwellings complies with the Council's adopted maximum car parking standards. There is no proposal to open Henry Street to traffic and therefore a turning head for refuse vehicles has been created to service the proposed development. The Highways Team have not opposed the parking, servicing or access arrangements.

7 Summary

- 7.1 The proposed development makes good use of previously developed land and provides a genuine mix of accommodation on an edge of City centre site with the emphasis on providing family housing. The proposal successfully responds to the constraints of the site without compromising the existing residential amenity and would have a positive visual impact on the area. The valuable contribution towards achieving the Council's housing targets should also not be ignored when considering the development. Whilst the car parking situation is acknowledged the positive aspects of the proposal outweigh the negative.

8 Conclusion

- 8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

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

1 (a), (b), (c), (d), 2 (b), (c), (d), 3(a), 4 (f), (vv) 6 (a), (c), (f), (i), 7 (a)

MP3 for 13.01.2015 PROW Panel

PLANNING CONDITIONS

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

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

REASON:

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

02. APPROVAL CONDITION - 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 extensions),
- Class D (porch),
- Class F (hard surface area)

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the amenities of the area.

03. 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).

04. 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).

05. APPROVAL CONDITION - Road Construction [Pre-Commencement Condition]

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:-

A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.

A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

REASON:

To ensure that the roads and footpaths are constructed in accordance with standards required by the Highway Authority.

06. 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.

07. 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.

08. 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.

09. APPROVAL CONDITION - Bin storage construction - [Performance Condition]

The hereby approved bins stores shall be constructed in accordance with the approved plan titled 'Typical Front Bin Store Details' (drawing number NP14) and shall have level access and flush doorways. The bin storage arrangement as approved shall be constructed in full prior to the occupation of the development hereby approved.

REASON

To safeguard the visual amenity of the development and ensure a development of high visual quality.

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

Prior to the commencement of the development hereby approved details of the external appearance of the cycle storage shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details and the storage thereafter retained as approved.

REASON:

To promote cycling as an alternative mode of transport to the private car

11. 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.

12. APPROVAL CONDITION - Public Sewer Protection Measures [pre-commencement condition]

The developer must advise the local planning authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

REASON

To maintain the integrity of the public sewerage system.

13. APPROVAL CONDITION - Foul and surface water disposal details [Pre-commencement condition]

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

REASON

To ensure adequate provision is made for the disposal of foul and surface water.

14. 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 and Countryside Act 1981 (as amended) and the conservation of biodiversity

15. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement and 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.

16. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance 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.

17. 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.

18. APPROVAL CONDITION - Layout of Car Parking/Servicing (Pre-Occupation Condition)

The whole of the car parking and servicing facilities shown on the approved plans shall be laid out and made available before occupation of the development hereby approved and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose. The car parking spaces shall be allocated on a one space for each dwelling basis unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure adequate on-site parking and servicing facilities and to avoid congestion in the adjoining highway.

19. APPROVAL CONDITION - Archaeological evaluation [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.

20. APPROVAL CONDITION ' Archaeological evaluation 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.

21. APPROVAL CONDITION - Archaeological investigation (further works) [Performance Condition]

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

REASON:

To ensure that the additional archaeological investigation is initiated at an appropriate point in development procedure.

22. APPROVAL CONDITION - Lighting and security for rear access [Pre-Commencement Condition]

Before the development first comes into occupation a security and lighting scheme, to include lighting and secure locking gates to the passage ways required to access rear gardens) shall be submitted to the Local Planning Authority and approved in writing. The

scheme shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.

REASON:

To protect the amenities of the occupiers of existing nearby residential properties and to secure a satisfactory residential environment.

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

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

REASON:

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

24. 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, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme once agreed.

REASON

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

25. APPROVAL CONDITION - Details and 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 to be used for external walls, windows, doors, bin storage areas and the roof of the proposed dwellings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, bricks and tiles, drainage goods, soffit and fascias and the ground surface treatments formed. 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.

26. APPROVAL CONDITION - Landscaping, lighting and 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 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

27. APPROVAL CONDITION - No other windows or doors other than approved [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 windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

REASON:

To protect the amenities of the adjoining residential properties.

28. APPROVAL CONDITION - Demolition Statement [Pre-Commencement Condition]

Precise details of the method and programming of the demolition of the existing property which includes measures to suppress dust, shall be submitted to and approved by in writing by the Local Planning Authority prior to the implementation of the scheme. The agreed scheme shall be carried out to the details as specified in the demolition programme unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of the amenity of adjacent residential properties.

29. APPROVAL CONDITION - surface treatment and protection measures, (Pre-occupation condition)

Details showing the materials, treatment and protection measures used for the turning area (rumble strip) shall be submitted to and agreed upon in writing by the local planning authority. The works shall be carried out in accordance with the approved details before the first occupation of the development.

REASON

In the interests of highways safety and protection of buildings.

30. 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.

Application 14/01778/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010)

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
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
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
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP17	Lighting
SDP22	Contaminated Land
HE1	New Development in Conservation Areas
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

12/00381/OUT - Re-development of the site, demolition of the existing building and provision of 10 x 2 and 2.5 storey houses (8 x 3-beds, and 2 x 2-beds) with associated car parking and storage (outline application seeking approval for access, layout and scale).

Refusal reason - Impact on Character and Residential Amenity

The creation of a vehicular access route through the site which links Amoy Street to Canton Street would have a harmful impact on the character and community of Canton Street which is currently a quiet cul-de-sac. There are other solutions to refuse collection arrangements which could be pursued and which would not adversely impact on the amenities of the residents of Canton Street and business within Henry Street. The proposal would therefore prove contrary to the provisions of saved policy SDP1 (i) of the City of Southampton Local Plan Review 2006 and policy CS13 (2) of the Southampton Core Strategy Development Plan Document 2010.

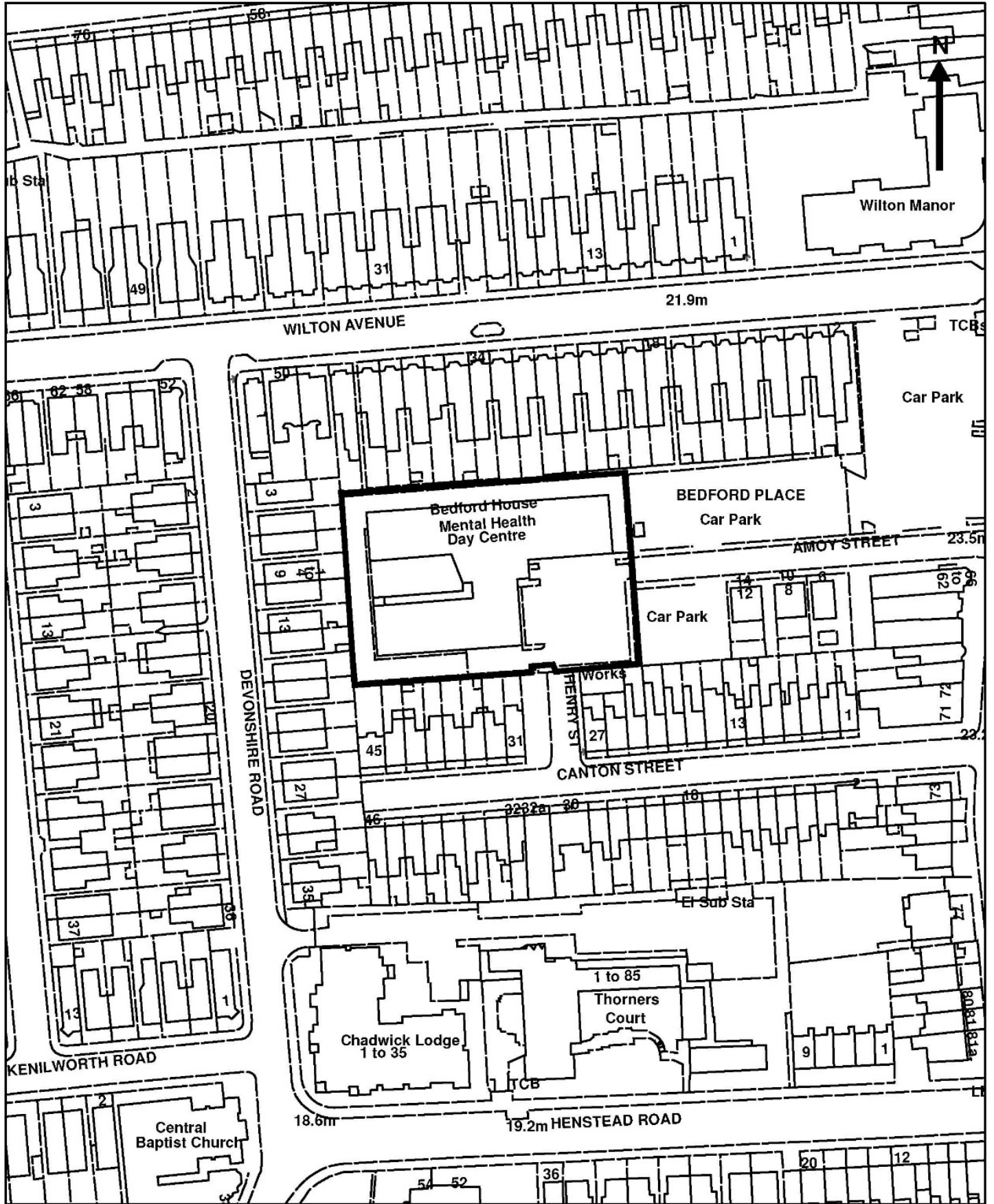
Refusal reason - Failure to enter into a Section 106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy CS25 of the adopted Local Development Framework Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in the following ways:-

- a) As the scheme triggers the threshold for the provision of affordable housing it is expected to provide a contribution to affordable housing to assist the City in meeting its current identified housing needs as required by Policy CS15 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010)
- b) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms - in accordance with policies CS18, CS19 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) - have not been secured.
- c) Measures to support strategic transport improvements in the wider area in accordance with policies CS18 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) have not been secured.
- d) A financial contribution towards the provision and maintenance of open space in accordance with 'saved' policy CLT5 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;

- e) A financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;
- f) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway - caused during the construction phase - to the detriment of the visual appearance and usability of the local highway network.
- g) In the absence of a mechanism for preventing future residents of the development from receiving car parking permits for adjoining Controlled Parking Zones, the proposal is likely to result in overspill car parking which would represent harm to the amenities of neighbouring residents, contrary to saved policy SDP1 of the Local Plan Review 2006.
- h) In the absence of a contribution towards improvements to the public realm within the City centre, the proposal would prove contrary to policies CS13 and CS25 of the Core Strategy 2010 and the adopted SPG relating to Planning Obligations (2005).

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Scale: 1:1,250

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