

**Southampton City Planning & Sustainability**  
**Planning and Rights of Way Panel meeting 17 April 2012**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 37 Cumbrian Way			
<b>Proposed development:</b> Re-development of the site following demolition of the existing buildings to provide 38 x 2 bedroom flats and 12 x 3 bedroom houses within two, three and four-storey buildings and a ground floor commercial unit (Use Class A1 Retail or Use Class A3 Restaurants and Cafes) with associated car parking, landscaping and external works including alterations to the existing road (affects existing public rights of way).			
<b>Application number</b>	12/00048/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	22.03.12	<b>Ward</b>	Millbrook
<b>Reason for Panel Referral:</b>	Major application with objection	<b>Ward Councillors</b>	Cllr Thorpe Cllr Furnell Cllr Wells

<b>Applicant:</b> Swaythling Housing Society Limited	<b>Agent:</b> Mh Architects Limited
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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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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on 17.04.12 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

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

<b>Appendix attached</b>			
1	Development Plan Policies		

## **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:
  - ii) A minimum on-site provision of 17 dwellings (ie.35% of the net gain) to be provided on-site as affordable housing in accordance with adopted LDF Core Strategy Policy CS15;
  - iii) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by adopted LDF Core Strategy policies CS18 and CS25;
  - iv) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
  - v) Financial contributions towards the relevant elements of public open space required by the development – including the replacement of the existing children’s play area - in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by adopted LDF Core Strategy policies CS21 and CS25;
  - vi) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with adopted LDF Core Strategy policies CS24 and CS25 and;
  - vii) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
2. That the Planning and Development Manager be given delegated authority to add or vary any of the attached planning conditions and relevant parts of the Section 106 agreement,
3. In the event that the legal agreement is not completed within two months of 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.

### **1. The site and its context**

- 1.1 The application site currently comprises 10 commercial units with two floors of residential flats over. Within the south-east corner of the site lies the single-storey former Housing Office building and its associated car parking. There is a pedestrianised precinct to the centre of the site. The development on the site is currently vacant and the existing buildings are in a poor state of repair and generally poorly designed, incorporating large areas of dead frontages to the ground floor. Helvellyn Road wraps around the perimeter of the site and provides access to Shinewell Gardens and Mason Moor Primary School.

- 1.2 To the north-east corner of the site an earlier phase of residential redevelopment has been recently completed, on the site of the former Headway Centre. The surrounding area is mainly residential in character and the site is neighboured by three-storey flatted blocks to the east and west and opposite the site are two-storey semi-detached houses.

## **2. Proposal**

- 2.1 The application seeks full planning permission for the construction of a mixture of houses and flats together with a ground floor commercial unit which would provide either retail or restaurant/cafe use (Use Classes A1 and A3). In total, 50 dwellings and 139 sq.m of commercial floorspace would be provided. It is proposed that 34 of the dwellings proposed would be Affordable Housing units and it is indicated that flatted Block B would be provided as a private accommodation. A pedestrian route would be created to the centre of the site to link the adjacent primary school to the surrounding residential development.
- 2.2 The existing road network would be retained and the development has a perimeter block style layout, fronting the roads and pedestrian route and provide a continuation of the existing phase 1 development. A terrace of 8, 2-storey houses would be provided to the north of the site, broadly opposite the entrance to Shinewell Gardens. The terrace housing would each be served by just under 50sq.m of private rear gardens. To the centre of the site, 2 pairs of semi-detached houses would be positioned facing the pedestrian route and the west of Helvellyn Road. These units would also be served by private rear gardens of approximately 50 sq.m in area.
- 2.3 The proposed flatted development is concentrated to the southern edge of the site, fronting Cumbrian Way and is four storey in height. This development would be served by private balconies and communal amenity space. On average, the balconies would be just over 5 sq.m in area. The commercial unit would be located to the ground floor and immediately adjacent to the new pedestrian link.
- 2.4 The proposed dwellings would have a simple, pitched roof design and the flatted blocks have a relatively contemporary appearance with a combination of mono-pitched and flat roof form. In terms of materials, both the flats and the houses would be construction using a yellow/brown facing brick with elements of render and metal cladding.
- 2.5 A total of 71 new car parking spaces would be provided which includes 5 re-positioned car parking spaces for the Phase 1 development and 15 un-allocated spaces to the spur road which runs parallel to Cumbrian Way. The remaining 51 spaces, which is at least 1 for 1 provision, would serve the proposed development and would be positioned to the fronts of properties. Purpose built cycle and refuse storage is proposed to serve all of the units.

## **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.
- 3.4 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

#### **4.0 Relevant Planning History**

- 4.1 Planning permission was originally granted for the development of the site to provide shops and maisonette flats in 1963 (planning application 1246/43/37 refers). More recently, planning permission was granted to develop the former Headway Centre which lies to the north-east of the site, to provide 12 flats and 4 houses. This development has been recently completed (planning application 09/01305/FUL refers).

#### **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (02.02.12) and erecting a site notice (02.02.12). At the time of writing the report **1** representation has been received from surrounding residents. The following is a summary of the points raised:

- 5.2 ***The development would create disruption to the neighbouring properties during the construction process.***

#### **5.3 Response**

A Planning condition is suggested to secure a Construction Management Plan to minimise disruption to the surrounding residential occupiers.

#### **5.4 Consultation Responses**

- 5.5 **SCC Highways** - No objection subject to conditions to secure the detailed highway and parking design and securing a mechanism to secure the necessary highway construction works.

- 5.6 **SCC Planning Policy** - No objection.

- 5.7 **SCC Rights of Way** - No objection or conditions suggested.

- 5.8 **SCC Housing** – No objection. There is a requirement to provide affordable housing units and this should be provided on site.

- 5.9 **SCC Trees** - No objection subject to conditions to secure tree retention and safeguarding measures.
- 5.10 **SCC Sustainability Team** – No objection subject to conditions to ensure the development meets level 4 of the Code for Sustainable Homes.
- 5.11 **SCC Environmental Health (Pollution & Safety)** - No objection. Suggests conditions to minimise disruption during the demolition and construction process.
- 5.12 **SCC Environmental Health (Contaminated Land)** - No objection. Suggests conditions to assess the contamination risks and to secure any necessary remediation measures.
- 5.13 **SCC Ecology** – No objection. Suggests a condition to secure an Ecological Mitigation Statement.
- 5.14 **SCC Archaeology** – No objection or conditions suggested.
- 5.15 **Southern Water** – No objection subject to conditions to secure surface and foul water disposal and measures to protect the public sewer.

## **6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
  - i. The principle of development together with the redevelopment of a Local Centre;
  - ii. The design of the proposal together with the impact on the character of the area;
  - iii. The impact on the amenities of neighbours of the site;
  - iv. The quality of the residential environment proposed;
  - v. Parking and highways;
  - vi. Sustainability and;
  - vii. Section 106 Mitigation and Viability.
- 6.2 Principle of Development
  - 6.2.1 The principle of making more efficient use of previously developed land to provide residential development is acceptable.
  - 6.2.2 The existing parade of shops on the site is identified as a Local Centre by saved policy REI6 of the Local Plan and policy CS3 of the Core Strategy. These policies require ground floor units to be used for purposes which provide a direct service to the public. Policy CS3 of the Core Strategy permits the comprehensive redevelopment of a local centre where the loss of retail facilities can be justified. As part of the application proposal, the existing commercial units that comprise the Local Centre would be demolished and replaced with a single commercial building, capable of sub-division to provide two units. Prior to the submission of the application, the Council undertook a detailed review of the existing Local Centre, which took into account the vitality and viability of the existing Local Centre. Having regard to the levels of vacancy experienced in the Local Centre, it is considered that the net loss of commercial floorspace is acceptable and the proposal has met the provisions of saved policy REI6 of the Local Plan and CS3

of the Core Strategy.

- 6.2.3 The site lies within an area of Low Accessibility for public transport and the Core Strategy supports residential development of between 35 and 50 dwellings per hectare within such locations. The proposed density range of 74 dwellings per hectare is slightly in excess of this, and needs to be assessed in light of the Council's other standards for residential design and layout. This is discussed in more detail below.
- 6.2.4 The development provides 12 genuine family housing units which constitutes 24% of the development. This is slightly less than the 30% target which the Core Strategy seeks; however, the proposal represents a significant improvement on the existing mix of accommodation on site which does not provide any genuine family housing and the dwelling houses would be provided as Affordable Housing. Furthermore, the proposal also provides a range of accommodation types and would therefore contribute to the creation of a mixed and balanced community. The proposal is therefore considered to accord with the provisions of policy CS16 of the Core Strategy.

### 6.3 Character and Design

- 6.3.1 A contemporary design approach has been chosen which reflects the recently completed phase 1 development to the north-east of the site. The form and use of materials articulate the elevations of the buildings and break up the massing of the development. There is a cohesiveness in the design approach between the different blocks within the development, although there is sufficient variation to add interest to the appearance of the development.
- 6.3.2 The perimeter block form of the development provides active frontages to pedestrian and vehicular routes and the car parking also benefits from a good level of natural surveillance. The development proposal would therefore, help to remedy the design issues created by the existing development on the site. The linear pedestrian route through the centre of the site would be framed by the proposed buildings and benefits from natural surveillance from the houses and flats. This route would be landscaped and provide a safe and attractive environment for pedestrians. The development includes landscaped frontages to buildings and includes tree planting within areas of car parking, this combined with the spacing between the buildings themselves would ensure that the site would not appear over-intensively developed.
- 6.3.3 In terms of scale, the taller buildings on site would be located to the south of the site, fronting the principal street of Cumbrian Way. The 4-storey development helps to create a strong frontage to Cumbrian Way and given the comprehensive nature of the proposal and the 3-storey development which neighbours the site, it is considered that the proposed scale would not appear excessive or out of keeping with the area. Furthermore, the retained spur road and landscape strip which lies to the south of the site would act as a buffer between the development and the two-storey properties on the opposite side of Cumbrian Way.
- 6.3.4 The properties would be located to the north of the site are 2-storeys in height which would enable the development to integrate into the neighbouring 2-storey context of Shinewell Gardens. Overall, it is considered that the development would have a high-quality appearance which would have a positive impact on the surrounding area and represent a significant improvement on the existing

situation.

#### 6.4 Residential Amenity

6.4.1 The key consideration in this respect is the relationship of the development with the neighbouring flats in Fernside Close and Honister Close. There is on average 25 metres separation between the proposed development and the neighbouring flats. The Residential Design Guide does not include separation standards for the situations where front elevations face rear elevations of properties however, it is considered that the proposal has achieved the correct balance in terms of providing the necessary enclosure to the street whilst retaining sufficient separation to secure outlook, privacy and daylight to the neighbouring flats.

#### 6.5 Residential Standards

6.5.1 In terms of amenity space, all of the flats would have access to a ground floor private terrace, or a private balcony and the development is designed to ensure that none of these amenity space areas are north facing and therefore would benefit from a good level of sunlight and daylight. The houses would all be served by sufficient private and useable rear gardens, also with good access to sunlight. Separation distances between the blocks are considered to be acceptable and would secure an acceptable level of outlook, light and privacy to prospective occupiers. There would be sufficient defensible space to ground floor habitable room windows to ensure that occupants would not be subject to undue disturbance from car parking spaces and enjoy a satisfactory level of privacy.

6.5.1 Each of the houses would have purpose built cycle and refuse storage within the rear gardens and access paths are provided from the stores to the public highway for collection purposes. The flats would be served by integral cycle and refuse stores.

#### 6.6 Parking and Highways

6.6.1 The proposed 50 units of accommodation would be served by 51 off-road car parking which accords with the adopted maximum car parking standards for this area. The car parking spaces relate well to the units which they serve and will benefit from natural surveillance from windows within the development. Helvellyn Road has been designed as a one way, homezone route which will provide a shared surface for vehicles and pedestrians. This would contribute to the creation of a positive residential environment for prospective occupiers. The Highways Team have raised no objection to the proposal and as such, the scheme is considered to be acceptable in this respect.

#### 6.7 Sustainability

6.7.1 The development has been designed to meet level 4 of the Code for Sustainable Homes in accordance with the requirements of the Core Strategy. The development would make use of photovoltaics to achieve the required savings in carbon dioxide emissions. The development is therefore, considered to be acceptable in this respect.

#### 6.8 S.106 Mitigation and Viability

6.8.1 The applicants have agreed to enter into a S.106 legal agreement with the Council. It is, however, likely that the application will be supported by an up-to-date viability appraisal of the proposal that concludes that a full S.106 contribution makes the delivery of the scheme non-viable on a commercial basis. A scheme's viability is a material consideration where it is directly linked to housing delivery

and the wider regeneration benefits. The applicant's submitted appraisal will need to be independently tested before the Council can agree to waive any of its normal requirements. It is recommended that the Planning and Development Manager be delegated power to vary relevant parts of the Section 106 agreement following the outcome of the viability appraisal. As part of these negotiations due weight will be afforded to the applicant's offer that 34 of the 50 dwellings (68% of total) shall be provided as 'affordable'.

## **7.0 Summary**

7.1 The proposed redevelopment would significantly enhance the character and appearance of the area and provide a high quality residential environment for future occupants. The improvement in the choice of types of residential accommodation is welcome and in particular the provision of genuine family housing. The development would resolve existing issues that the current development experiences whilst respecting the amenities of the surrounding residential occupiers.

## **8.0 Conclusion**

8.1 Subject to the imposition of the suggested conditions attached to this report and signing of the S.106 planning agreement, 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), 4 (b) (f), 6 (a) (i), 7 (a), 8 (a), 9 (a)

### **JT for 17/04/12 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 - 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 - Construction and Demolition Method Statement [Pre-commencement condition]

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

Reason:

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

### 04. 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, including deliveries to the site, 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.

### 05. 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.

06. 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.

07. 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.

08. 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 to and approved by the Local Planning Authority in writing, 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

09. APPROVAL CONDITION - Refuse & Recycling Bin Storage – Details to be submitted [pre-commencement condition]

Notwithstanding the information already submitted, details of the elevations of the storage of refuse and recycling and details of collection points for the houses, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be thereafter retained.

Reason:

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

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 - Amenity Space Access [performance condition]

The amenity space areas shown on the plans hereby approved, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the dwellings hereby permitted and shall be retained with access to it at all times for the use of all occupiers of the development .

Reason:

To ensure the provision of adequate amenity space in association with the approved

dwellings.

#### 12. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]

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

Reason:

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

#### 13. APPROVAL CONDITION – Parking and Access [pre-occupation condition]

Prior to the occupation of the development hereby approved both the access to the site and the parking spaces for the development shall be provided in accordance with the plans hereby approved. The parking shall be retained for that purpose and not used for any commercial activity.

Reason:

To ensure a satisfactory form of development.

#### 14. APPROVAL CONDITION – Removal of permitted development [performance condition]

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), E (outbuildings, enclosures or swimming pools) and F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

Reason:

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

#### 15. APPROVAL CONDITION - Hours of use commercial establishments [Performance Condition]

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

07:30 hours to 23.00 hours

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

Reason:

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

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

Prior to development commencing, including site clearance, a programme of habitat and species mitigation and enhancement measures, shall be submitted to and approved in writing by the Local Planning Authority, 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.

#### 17. 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.

#### 18. 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.

#### 19. 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.

#### 20. 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).

## 21. 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).

## 22. APPROVAL CONDITION – Public Sewer Protection Measures [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the measures taken to protect or divert the public sewer shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

### Reason:

To ensure that the public sewer is adequately protected during construction

## 23. APPROVAL CONDITION – Foul and Surface Water Disposal [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the agreed details.

### Reason:

To ensure that the development does not adversely impact on the public sewer system

## 24. APPROVAL CONDITION – Water Infrastructure [pre-commencement condition]

Prior to the commencement of the development hereby approved, details of the proposed water infrastructure plans shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

### Reason:

To secure a satisfactory form of development

## 25. APPROVAL CONDITION – Extract Ventilation – control of noise, fumes and odour [Pre-occupation condition]

Before the commercial units first comes into occupation, a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason

To protect the amenities of the occupiers of existing nearby properties

#### 26. 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

#### 27. APPROVAL CONDITION - Commercial Use [performance condition]

Permission is hereby granted for the use of the commercial units for either Use Class A1 (retail) or Use Class A3 (Restaurants and Cafe) of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order).

Reason:

In the interests of flexibility and in the interests of the vitality of the commercial development.

#### 28. 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.

#### Notes to Applicant

##### 1. Connection to Public Sewer

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH.

##### 2. Connection to Water Supply

A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH.



**POLICY CONTEXT**

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
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
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
H7	The Residential Environment
REI6	Local Centres
REI7	Food and Drink Uses (Classes A3, A4 and A5)

Supplementary Planning Guidance

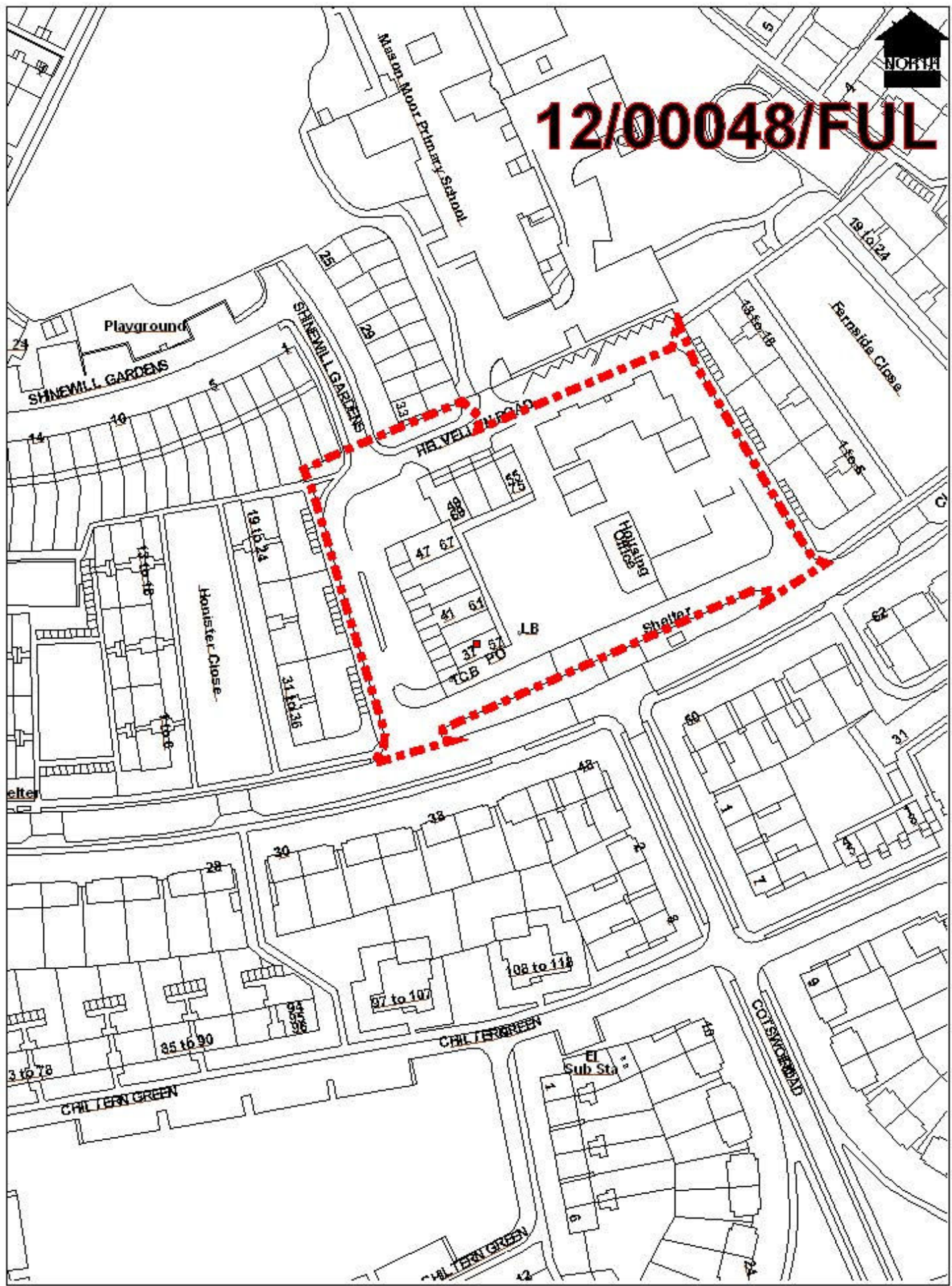
Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - August 2005 and amended November 2006)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

National Planning Policy Framework March 2012



# 12/00048/FUL



Scale : 1:1250

Date : 03 April 2012

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