

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 19th January 2009
 Planning Application Report of the Head of Division

Application address: 74 St. Annes Road, Southampton			
Proposed development: Redevelopment of the site. Demolition of the existing building and erection of a 3 storey, 70 bedroom residential care home with associated parking and other facilities			
Application number	09/01185/FUL	Application type	FUL
Case officer	Stephen Harrison	Application category	Q.07

Recommendation Summary	Delegate to Development Control Manager to grant planning permission subject to criteria listed in report
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Reason for Panel consideration	Major development (small scale) requiring completion of legal agreement under Section 106 of the 1990 Act
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Applicant: Primary Care Investment Ltd & Cresta Homes Plc	Agent: DWA Architects Ltd
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Date of receipt	13.11.2009	City Ward	Woolston
Date of registration	13.11.2009	Ward members	Cllr Cunio
Publicity expiry date	24.12.2009		Cllr Payne
Date to determine by	12.02.2010 IN TIME		Cllr Williams

Site area	0.4 hectares	Usable amenity area	1,300sq.m (approx)
Site coverage (developed area)	80% building and parking	Landscaped areas	Yes
Density - whole site	N/A		

Residential mix	numbers	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	N/A	N/A	Commercial use	N/A	N/A
2-bedroom	N/A	N/A	Retail use	N/A	N/A
3-bedroom	N/A	N/A	Leisure use	N/A	N/A
other	N/A	N/A	other	C2	3,440sq.m 70 bedrooms

accessibility zone	medium	policy parking max	9 spaces
parking permit zone	no	existing site parking	Currently informal
cyclist facilities	Yes	car parking provision	18 spaces
motor & bicycles	0 motor / 10 cycles	disabled parking	2 spaces

Key submitted documents supporting application			
1	Design & Access Statement	2	Ground Investigation Report
3	Structural Report	4	Arboricultural Report
5	Arboricultural Impact Assessment Report	6	Biodiversity Check
7	Sustainability Checklist	8	Renewable Energy Report
9	Site Waste Management Plan	10	Landscaping Proposals
11	Transport Statement	12	Green Travel Plan
13	Statement of Community Involvement		

Appendix attached			
1	05/01265/FUL Appeal Decision Notice	2	Development Plan Policy & Guidance
3	Planning History	4	Suggested Planning Conditions

Recommendation in full

Delegate to the Development Control Manager to grant planning permission subject to:

1. The submission of a bat survey and no objections being received by the Council's Ecologist; and,
2. The submission of a Slope Stability Report and no objections being received by the Council's Civil Engineering Team Leader; and,
3. The applicant entering into a Section 106 Legal Agreement to secure:
 - i) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site – including works to secure a 2 metre wide footpath along the site's frontage - in line with policies SDP3, SDP4 and IMP1 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - ii) A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - 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; and,
 - iv) A revised Green Travel Plan

And in the event that the additional information has not been received and accepted by 12th February 2010 (13 week date) the D C Manager be authorised to refuse permission on the ground of a failure to provide sufficient information to support the proposal.

And in the event that the legal agreement is not completed by the 13 week date the D C Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Agreement.

Background

A planning application on this site for 43 flats was refused by the Panel in November 2005 (application 05/01265/FUL). The appeal was subsequently dismissed and a copy of the Inspector's Decision Notice is attached to this Report at **Appendix 1**. Although the proposed use differs this decision notice forms a material consideration in the determination of this application.

Following this decision planning permission was subsequently issued for the erection of a part two-storey and part three-storey building to provide 40 flats and a new three-storey replacement club facility (application 06/01565/FUL). This scheme was amended and has been implemented by the completion of the clubhouse on the southern part of the site. As such, there remains an extant planning permission for a three-storey residential building comprising 40 flats, supported by 30 on-site parking spaces. This flattened block could still be implemented.

Proposed Development and surrounding context

Context

This application relates to the redevelopment of the Woolston and Sholing Conservative Club on the eastern side of St. Annes Road at its junction with Portsmouth Road and Station Road. The application site is bounded by a 1.8m close boarded fence and brick wall. The site boundaries are characterised by a mature tree screen, many of which are protected by the Portsmouth Road Tree Preservation Order (TPO) confirmed in 1975.

The former Woolston School Language College and the Station Road shopping parade are located on the opposite side of the junction between Portsmouth Road and St Annes Road, otherwise the surrounding area is characterised by detached and semi-detached housing, including bungalows in Portsmouth Road.

The site is located within an area of 'medium' transport accessibility, albeit close to Sholing Railway Station. Existing parking on site is accessed from St Annes Road close to its junction with Portsmouth Road. An underused private driveway marks the site's eastern boundary where the land slopes downwards. There is a 15m telecommunications mast within the site adjacent to the southern boundary.

Proposal

Whilst the extant planning permission could yield an additional 40 residential flats the current application seeks, instead, approval for a 70 bed care home (Use Class C2) with associated communal facilities and on-site care provision. The applicants currently operate 8 other nursing homes and have confirmed that the proposal has been designed to meet the standards of the Care Quality Commission. They have also indicated that staffing numbers will vary throughout the day with approximately 90 new jobs being created in total, allowing for full and part time staff. During peak hours (9am to 5pm) it is anticipated that no more than 24 members of staff will be present on site. Visiting times are flexible.

A total of 18 on-site parking spaces are proposed to serve this use. Refuse and cycle storage, and staff shower facilities, are also proposed and can be secured with the attached planning conditions.

A comprehensive Design and Access Statement and Arboricultural Impact Assessment accompany this application. As with the previous permissions the current scheme seeks to redevelop the site with an 'L' shaped building. The proposed footprint, design and scale is almost identical to the previous permissions, and the application has been supported by a series of comparison plans to demonstrate this. In terms of the external appearance the same palette of materials as approved for both the approved flatted building and the completed clubhouse are proposed. This includes the main 'Westminster' stock brick, a recon-stone detailing, cream render, timber/aluminium fenestration details and a slate roof.

This development would result in the loss (and replacement on a 2:1 basis) of 9 non-protected trees (all category C and R – poor quality) as previously approved. As before no TPO protected trees will be felled to accommodate this proposal and following the receipt of amended plans a mature Sweet Chestnut is shown to be retained.

Relevant Planning Policy

City of Southampton Local Plan Review (Adopted March 2006)

The site is not allocated in the adopted Local Plan and the existing building was, until recently, in use for community purposes. The club facility has been re-provided as part of

the earlier permissions and the application is, therefore, consistent with Local Plan Policy CLT2 (Community Buildings). The provision of specialist housing accommodation on previously developed land is, in principle, consistent with national planning policy guidance.

Core Strategy - Planning Southampton to 2026

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/09) the Core Strategy forms a material consideration in this case. Its policies, and those "saved" from the Local Plan Review, should be afforded significant weight as a material consideration in the Council's decision. That said, until formal adoption by the City Council the Local Plan Review remains the current adopted Local Plan against which the application should be primarily determined.

Sustainability Implications

Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Local Plan Policy SDP13 (Resource Conservation) and emerging Core Strategy Policy CS20 (Tackling and Adapting to Climate Change) the applicants have submitted a 'Sustainable Development Checklist' to support their application and have made a commitment to achieving a 'Very Good' BREEAM rating. Furthermore, 15% of the building's CO2 emissions are proposed to be offset through on-site Air Source Heat Pumps. These are to be located within a recess on the roof and can be secured with the attached planning conditions.

A schedule of the relevant adopted Local Plan and Core Strategy policies is provided at **Appendix 2**.

Relevant Planning History

There is a long and complicated planning history for this site. A summary is provided at **Appendix 3**.

Consultation Responses and Notification Representations

The application is supported by a 'Statement of Community Involvement', which details how the applicants engaged with the local community prior to the formal planning submission. A public meeting took place on 21st October 2009, which was attended by 41 local residents and 3 City Councillors.

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 (03.12.09) and erecting a site notice (03.12.09). At the time of writing the report **5** representations have been received from surrounding residents. Ward Councillor Williams has also raised an objection and requested a Panel decision.

Summary of Representations made

The proposed level of on-site parking is not sufficient to serve the Care Home and will result in a further encroachment of parked cars from this development onto the surrounding highway to the detriment of existing users.

Response

The adopted Local Plan aims to reduce reliance on the motor car in line with advice contained in PPG13. The proposed level of on-site parking (18 spaces) represents an over-provision of 9 parking spaces and is, therefore, double the Council's current maximum

standard for an area of “medium” accessibility. That said, the Council’s Highways Officer has raised no objection due to the sensitive nature of the use, the applicant’s commitment to their Green Travel Plan, the operators’ needs, the limited rail service offered by Sholing Station, and the local opposition to any further parking reduction to achieve current standards. Furthermore, the provision of 18 parking spaces accords fully with the Local Plan’s standards for areas of “low” accessibility (ie. 1 parking space per 4 bedrooms). That said, any additional parking could not be justified in planning policy terms.

The development will result in additional trips being generated onto the junction of St Annes Road with Portsmouth Road.

Response

The current proposal has reduced the amount of on-site parking from 30 spaces (serving the permitted flatted scheme) to 18. The applicant’s have suggested that a 70 bed care home would generate some 210 vehicle movements per day. As such, the likely level of trips generated is likely to be less than for the approved residential scheme, and there is no evidence to suggest that this junction is currently at its maximum capacity. Furthermore, it is unlikely that the trips generated would take place during peak traffic periods.

A three-storey building is too tall and overly bulky for this location and is out of keeping with its surroundings and both street frontages. The application is, therefore, contrary to Local Plan policies SDP1 and SDP9.

Response

As part of his consideration of the previous application for a flatted scheme (05/01265/FUL) the Planning Inspector commented that a three storey building “*would be acceptable in this streetscene around the road junction, notwithstanding the bungalows to the east and semi-detached houses to the west*”. Given the proposed setback from the highway and the mature tree screen the Inspector concluded that the proposed building “*would not be too imposing in this streetscene*”. The proposed building’s massing and scale follows the extant planning permission and, as such, the Council has already concluded that a three storey building is acceptable for this location.

A three storey building will afford significant overlooking of neighbours at Temple Gardens (to the east) and is overbearing.

Response

The comparison plan of the proposed building’s eastern elevation demonstrates that the proposed fenestration and building massing is very similar to that already permitted. Indeed, 3 windows nearest Temple Gardens previously approved have been removed. Furthermore, the view from the upper floors will be across the disused tennis courts with a separation distance of some 40 metres to the boundary with the Temple Gardens’ curtilages. A back-to-back separation distance of some 60 metres between these buildings is provided. This exceeds the Council’s minimum standards as set out in the Council’s approved Residential Design Guide (section 2.2 refers). Whilst located on higher land the proposed height of the building remains largely unchanged and the separation distances involved, again, mitigate against the building’s impact on its neighbours.

There is a lack of on-site private amenity space serving the development.

Response

Whilst the Council has no adopted standards for external amenity space serving this form of residential accommodation, it is reasonable to expect some provision to serve the residents’ needs. The application building is supported by some 1,300sq.m of external space of varying quality. A private roof terrace with a westerly outlook will provide an attractive external space, and the existing mature landscaping along all boundaries offers

an attractive outlook to residents, as well as providing an alternative type of external space to enjoy. The proposed external space compliments the use and is acceptable.

The proposal will devalue existing property

Response

The issue of land value is not a relevant planning concern. Notwithstanding that there is no evidence to suggest that the proposed development will devalue neighbouring property.

Summary of Consultation comments

SCC Highways – No objection raised subject to the attached planning conditions and the use of a S.106 Legal Agreement to secure appropriate mitigation measures. The provision of 18 parking spaces is acceptable in this instance given the proposed nature of the use. The principal reason for the site being identified as having “medium” accessibility is the proximity to Sholing Railway Station. As only one train an hour stops in each direction at this station this level of service is considered to be insignificant, and the maximum standard for areas of “low” accessibility can be applied.

SCC Archaeologist – No objection raised subject to securing a watching brief with the attached planning condition.

SCC Ecologist – Holding objection raised (see recommendation above). The applicants for the above site have submitted a Biodiversity Checklist but not a bat survey of the existing building identified for demolition. Further details are required and a verbal update will be given at the Panel meeting.

SCC Sustainability – Supportive of the proposals as they include the use of Air Source Heat Pumps as a cost effective means of meeting the 15% renewable energy requirement. The submitted statements confirm that the scheme will also achieve a BREEAM “Very Good” standard, which accords with the emerging Core Strategy Policy CS20 (Tackling and Adapting to Climate Change).

SCC Travel Plan Coordinator – No objection raised. The submitted framework provides a good overview of the requirements of the full travel plan. The changes suggested can be accommodated through the S.106 Legal Agreement.

SCC Environmental Health (Contaminated Land) – Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. It is recommended that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. No objection raised subject to the attached planning condition.

SCC Environmental Health (Noise & Pollution) – No objections raised.

SCC Tree Team – No objection raised following the receipt of amended plans. The proposal will retain the TPO trees which form a material consideration in the Council’s consideration. Following the receipt of amended plans a large Sweet Chestnut is to be retained. Replacements are proposed for the 9 unprotected trees earmarked for removal. These trees would also be lost (as previously agreed) should the extant permission for the flatted scheme be implemented. Planning conditions recommended.

SCC Civil Engineering - Holding objection raised (see recommendation above). It would be reasonable to request that the applicants provide a slope stability report to support this application. A verbal update will be given at the Panel meeting.

SCC Housing – Whilst the loss of the 10 affordable units approved as part of the permitted residential scheme is regrettable, the Council's guidance accepts that institutional residential accommodation (such as residential homes for the elderly) where the accommodation is not self-contained would not be expected to provide affordable housing.

Southern Water – Southern Water can provide foul sewage disposal to service the proposed development. No objection raised subject to the attached planning condition and informative related to surface water.

BAA – The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. No objection raised subject to a planning informative being imposed concerning the use of cranes during construction.

Hampshire Constabulary – The application proposes a desirable layout with only a single point of entry from St Anne's Road. Additional access points would create unnecessary permeability. Any planting between the building and car park should be maintained at an appropriate level in order to allow clear lines of vision across the car park. The car parking area should be lit with column lighting and not wall mounted. Any cycle storage for staff and residents should be within a brick built lockable structure. To enable effective surveillance the facility should be no greater than 100m from the main entrance to the building and in view of habitable rooms. Locking points should be provided to encourage cyclists to secure their bikes. The rear amenity space should be secured with trellis topped fencing or the like to 2.2m at the front build line of both the north and south aspects.

Planning Consideration Key Issues

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

- i. The principle of development;
- ii. The effect of the proposed development on the character and appearance of the surrounding area;
- iii. The effect of the proposed development on the living conditions of adjoining occupiers, with particular reference to visual impact and privacy;
- iv. Whether appropriate provision would be made for car parking on the site;
- v. Trees; and,
- vi. Whether or not the scheme mitigates sufficiently against its direct local impacts

Principle of Development

Local Plan Policy HC3 (Primary Care) explains that there are no specific policies for homes for the elderly (see paragraph 9.10), although the principle of redevelopment at 74 St. Annes Road has already been accepted by the Local Planning Authority. Adopted Local Plan policies CLT2 and H1(ii) support the principle of replacing the existing club and the provision of extra care accommodation meets a growing City-wide need.

Residential Design & Impact on Character

It is considered that the design and appearance of the proposed building is acceptable, and accords with the requirements for good urban design enshrined within Local Plan policies SDP1, SDP7 and SDP9. The proposal varies only slightly from the previous permission and would, therefore, sit comfortably in the street scene at this location on a significant junction. The reduction in hard-standing to the site's frontage, following a reduction in on-site parking from 30 to 18 spaces, is welcomed and improves the setting to this building.

Impact on Residential Amenity

As part of his consideration of the previous application (05/01265/FUL) the Planning Inspector commented that *“the adjoining occupiers that would be mostly affected by the proposed development are those in the adjoining bungalows to the east, Nos. 114 and 116 Portsmouth Road”*, which currently enjoy *“a high level of privacy”*. The previous scheme proposed a three storey building on land adjacent to these bungalows. The design included windows and balconies along this elevation. The Inspector described this relationship as *“overbearing”*.

The proposed building follows the form of the recently approved flatted block. This building was itself redesigned following the previous refusal, reducing the height and increasing the distance from the eastern boundary. No balconies are proposed on the northern most section of the eastern elevation and this part of the building stands at two storeys (reduced from three as refused). Additional planting is proposed along the boundary between the proposed building and 114 Portsmouth Road. In addition, the applicants previously demonstrated that no significant overshadowing of neighbouring gardens would result. The likely impact on existing residential amenity has been assessed as acceptable against adopted Local Plan policies SDP1, SDP7 and SDP9.

Highways and Parking

Car parking is a key determinant in the choice of mode of travel, and the site is close to principle bus routes and the Sholing railway station. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation. The proposed level of on-site parking exceeds the Council's adopted maximum standards. The applicants have applied the standards applicable to areas of “low” accessibility as these best reflect their operational needs. Although 9 more spaces are provided than current standards allow it is noted that no objection has been received from Highways DC for the reasons set out above. On this basis the proposed development is considered to be acceptable when assessed against adopted Local Plan policies SDP3 (Travel Demands) and SDP5 (Parking).

Trees

The development of the application site is constrained by the mature trees that are a feature of its boundaries. A number of these trees are protected by a TPO, including two mature Cedars which dominate the centre of the site. A tree survey was undertaken in 2004 and updated to support this application. It takes account of the current British Standard relating to trees and construction (BS5837:2005). A non-protected Lime Tree is proposed for removal to facilitate the change to the access and two trees are to be removed along the southern boundary (as previously agreed). In total 9 trees will be removed and replaced on a 2:1 basis (as previously agreed). The Council's Arboricultural Officer has raised no objection to the proposed footprint or the impact on the protected trees. As such, the application is considered to safeguard the longevity of existing trees and accords with adopted Local Plan policies SDP1, SDP7, SDP9 and SDP12.

S.106 Legal Agreement

The applicants have agreed to enter into a S.106 Legal Agreement to secure contributions towards transport improvements that mitigate against the development's direct impacts. The S.106 will also secure a Green Travel Plan to encourage staff and visitors to arrive by non-car modes.

Summary

The current proposal has taken account of the previous decisions and sought to address the issues raised. The replacement of the approved flatted scheme with a residential care home is acceptable in planning policy terms and has attracted fewer objections from local residents. The scheme is considered in basic massing and appearance terms to fit within the character of the area (as before). There are no new tree issues to consider. Although the on-site parking levels have been reduced from that associated with the flatted scheme it still represents more than the current local plan “maximum” standards. Further justification for this additional provision has been made by the applicant and is summarised above.

Conclusion

This application follows a long and complicated planning history and has been assessed as being acceptable to residential amenity and its local context. The application is recommended for conditional approval, subject to the completion of the aforementioned S.106 Legal Agreement and the receipt of the outstanding information relating to land stability and bats.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b), City Plan Review (Adopted Version) and the emerging Core Strategy
SH for 19.01.10 PROW Panel

POLICY CONTEXTCity of Southampton Local Plan Review – Adopted Version (March 2006)

Whilst there are no site-specific policies relating to this site within the City of Southampton Local Plan Review - Adopted Version March 2006, the plan contains general policies applicable to this development. This application needs to be assessed in the light of the following local planning policies:

SDP1	Quality of Development
SDP3	Travel Demands
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP13	Resource Conservation
H1	Housing Supply
H3	Special Housing Need
H7	The Residential Environment
HC3	Primary Care
CLT2	Community Buildings
IMP1	Provision of Infrastructure

Core Strategy - Planning Southampton to 2026

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/09) the Core Strategy forms a material consideration in this case. Its policies, and those "saved" from the Local Plan Review, should be afforded significant weight in the Council's decision. That said, until formal adoption by the City Council the Local Plan Review remains the current adopted Local Plan against which the application should be primarily determined.

Supplementary Planning Guidance

The following SPD/G also forms a material consideration in the determination of this planning application:

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

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2006)
PPG8	Telecommunications (2001)
PPG14	Development on Unstable Land (1996)
PPG24	Planning & Noise (1994)

SITE HISTORY SUMMARY

- 01/00025/TCC** Approved 06.02.2001
Prior approval for a 15m high monopole telecommunications mast.
- 01/00879/FUL** Refused 14.08.2001
20m high telecommunications mast and antennae with equipment cabin.
- 04/01806/FUL** Refused 14.02.2005
Redevelopment of site by erection of 2 blocks comprising part 3/part 4 storey residential accommodation to provide 54 units (39 x 2 and 15 x 1 bed flats) with car parking and new 3 storey club with basement.
- 05/01265/FUL** Refused 02.11.05 and Appeal dismissed 10.03.2006
Redevelopment of site by erection of 2 blocks comprising 3 storey residential accommodation to provide 43 units with car parking and new 3 storey club with basement. A copy of the Inspector's Decision Notice is attached to this Report at **Appendix 1**.
- 06/01565/FUL** Approved 14.01.2007
Erection of a part two-storey and part three-storey building to provide 40 flats and a new three-storey club facility with staff accommodation, and associated parking and landscaping following demolition of the existing Conservative Club building (Description amended following submission of amended plans)
- 07/01346/VC** Approved 01.04.2008
Demolition of existing buildings, erection of 40 residential units, a new club building (including managers flat) car parking and associated infrastructure works (amendment to previous permission reference 06/01565/FUL including the variation of conditions 2 (Approved Plans for the Club) and 36 (Phasing of Club redevelopment))
- 08/00804/TCC** Approved 12.08.2008
Replacement of 3 existing antennae with three 3GG antennae and siting of three ground based equipment cabins and associated infrastructure
- 08/01003/VC** Approved 07.10.2008
Variation of conditions 2 (approved plans in relation to clubhouse revised with the removal of the basement storey to create a two storey building) and 36 (phasing and the timing of demolition and subsequent removal of debris) of previous planning permission 06/01565/FUL for the erection of 40 flats, a new three-storey club facility and associated works.

SUGGESTED PLANNING CONDITIONS (TO INCLUDE):

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

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

Reason:

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

2. APPROVAL CONDITION - Scope and Limitation within same Class

The use of the building and land hereby approved shall be limited to a 70 bedroom Residential Care Home identified as Use Class C2 within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) and shall not be used for any other use within that Class without the prior approval of the Local Planning Authority.

REASON:

In recognition of the specific type of use proposed and considered, and to ensure that the Local Planning Authority maintains controls over any further intensification of use

3. APPROVAL CONDITION - Details & samples of building materials to be used

Notwithstanding the details shown on with the application and approved drawings no development works, excluding the demolition phase, shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for external walls and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed. 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.

4. APPROVAL CONDITION - External plant, vents and other equipment

Other than those shown on the approved drawings no external vents, ducting, air conditioning units or plant shall be installed without the prior written approval of the Local Planning Authority.

REASON:

In the interest of protecting the visual appearance of the building.

5. APPROVAL CONDITION - Amenity Space Access

The garden areas and external pathways shown on the approved site plan, and pedestrian access to them, shall be made available as a communal area prior to the first occupation of the care home and shall be retained with access to it at all times for the use of the residents and their visitors.

REASON:

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

6. APPROVAL CONDITION - Landscaping detailed plan

Notwithstanding the details shown on submitted plan ref: 2160/1 Rev A a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers,

planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas – to include permeable materials where feasible and practicable - and all means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any site works, excluding demolition.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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 scheme 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

7. APPROVAL CONDITION - Refuse & Recycling Bin Storage

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

REASON:

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

8. APPROVAL CONDITION – Cycle storage [Pre-Occupation Condition]

The development to which this permission relates shall not be brought into use in full or in part until secure, covered space has been laid out within the site for bicycles to be stored and for cycle stands to be made available for visitors to the site as specified hereunder. The cycle stores and stands hereby approved shall thereafter be retained on site for those purposes.

Number of secure covered cycle spaces: 10

In accordance with plan number: L3065 AL(O)81 Rev B

Reason

To encourage cycling as an alternative form of transport

9. APPROVAL CONDITION – Care Home Deliveries

Following the first occupation of the care home hereby approved no deliveries shall be taken at or despatched from the site outside the period of 08:00 hours and 18:00 hours (8.00am and 6.00pm) nor at any time on Sundays and recognised public holidays.

REASON

To protect the amenities of surrounding areas and neighbouring residential occupiers and to reflect the delivery hours of the adjacent clubhouse.

10. APPROVAL CONDITION - Highways - Parking and Access Provision

Unless otherwise agreed in writing by the Local Planning Authority the 18 car parking spaces shown on the approved site plan and a vehicular access to them shall be provided within the site before the use is commenced, and such parking shall be permanently retained for that purpose thereafter.

REASON

To prevent obstruction to traffic in neighbouring roads.

11. APPROVAL CONDITION - Highways - Stopping Up Access

Unless otherwise agreed in writing with the Local Planning Authority any existing access to the site not required to serve the approved layout shall be stopped up and abandoned and footway and verge crossings shall be reinstated immediately after completion of the new access.

REASON

In the interests of highway safety.

12. APPROVAL CONDITION - Crime Prevention - Security Lights

Excluding the demolition phase prior to construction works taking place details of the external security lighting to the development and associated cycle storage, pedestrian circulation areas, refuse and recycling bin storage, and vehicle access, including the siting, design and appearance of the lighting (which shall incorporate low wattage, anti-vandal facade mounted and column mounted down-lighter luminaires operated by photo-electric cells / ambient light sensors or time switch) shall be submitted to and approved in writing by the Local Planning Authority. The lighting arrangement as approved shall be subsequently installed, implemented and shall be retained on site and in use prior to the first occupation of the building.

REASON

In the interests of aiding surveillance in order to reduce crime.

13. APPROVAL CONDITION - Hours of Construction

All works relating to the construction of the development hereby granted, including the works to re-grade the levels of the site, demolition and ground preparation prior to building operations shall only take place between the hours of:

Monday to Friday 08.00 hours and 18.00 hours (8.00am to 6.00pm)
Saturdays 09.00 hours and 13.00 hours (9am to 1pm)
and at no time on Sundays and public holidays.

In addition deliveries of construction materials to the site and the removal of any waste materials from the site shall not take place during the following hours:-

Monday to Friday 08.00 hours and 09.30 Hours (8.00am to 9.30 am)
Monday to Friday 15.00 hours and 16.30 hours (3.00pm to 4.30pm)

to take account of the peak traffic movements along Portsmouth Road in relation to the use, and at no time on Saturdays, Sundays and public holidays to take account the occupation and proximity of neighbouring residential properties.

REASON

To protect the amenities of occupiers of nearby dwellings during the construction period and in the interests of highway safety in the vicinity.

14. APPROVAL CONDITION - Demolition - Removal of Debris

Unless otherwise agreed in writing by the Local Planning Authority prior to any demolition works taking place, the existing building shall be demolished and all resultant materials removed from the site before the works to construct the care home hereby approved are commenced.

REASON

To secure a satisfactory comprehensive form of development and to safeguard the visual amenity of the locality.

15. APPROVAL CONDITION - Demolition Statement

Before any demolition or construction 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 construction; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction traffic wheel cleaning; and, (g) details of how noise emanating from the site during 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.

16. APPROVAL CONDITION - Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout the demolition and construction phase. 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.

17. APPROVAL CONDITION - BREEAM Standards (commercial development)

Written documentary evidence demonstrating that the development will achieve at minimum a rating of Very Good against the BREEAM standard (or equivalent ratings using an alternative recognised assessment method) shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006) and Core

18. APPROVAL CONDITION - Renewable Energy - Micro-Renewables

Unless otherwise agreed in writing by the Local Planning Authority part of the development's total energy demand shall be met by renewable energy technologies on the site that will achieve a reduction in CO2 emissions of at least 15% in accordance with the recommendations set out in the submitted Pentangle Consulting Engineers Limited Report (November 2009). Full details of the chosen renewable energy technologies (including the design specification, location and colour) shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding demolition) hereby granted permission. The agreed renewable technologies shall be installed and rendered fully operational prior to the first occupation of the development hereby granted permission and retained and maintained thereafter.

Reason:

To reduce the impact of the development on climate change and finite energy resources and to comply with policy SDP13 (vi) of the City of Southampton Local Plan (2006).

19. APPROVAL CONDITION – Rainwater /Grey-water Harvesting

A specification of the rainwater/grey-water harvesting system shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development (excluding demolition) hereby granted permission. The approved specification shall be installed and fully operational prior to the first occupation of the development hereby granted permission and retained and maintained thereafter.

Reason:

To reduce overall water consumption and demand on resources in compliance with SDP13 (vii) of the City of Southampton Local Plan (2006).

20. APPROVAL CONDITION - Sustainable Urban Drainage System

A feasibility study by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable urban drainage system (SUDS) on site shall be carried out and verified in writing by the Local Planning Authority prior to first occupation of the development hereby granted permission. If the study demonstrates the site has the capacity for the implementation of a sustainable urban drainage system, a specification shall be agreed in writing with the Local Planning Authority and installed and be rendered fully operational prior to the first occupation of the development. It shall thereafter be retained and maintained for the benefit of the residents.

REASON

To conserve valuable water resources and prevent against flood risk and to comply with policy SDP13 (vii) of the City of Southampton Local Plan (2006).

21. APPROVAL CONDITION – Drainage

No construction works (excluding the demolition phase) shall take place until further details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved by the Local Planning Authority in consultation with Southern Water. The development shall proceed in accordance with these agreed details and shall be completed prior to the first use of the care home hereby approved.

Reason:

In the interests of securing appropriate drainage to serve the development in the interests of the local environment.

22. APPROVAL CONDITION - Archaeology

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 in writing by the Local Planning Authority.

REASON

To ensure that the archaeology of the site is properly investigated.

23. APPROVAL CONDITION - Tree Retention and Safeguarding

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 (including the demolition phases) 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 demolition and 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 - 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.

25. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

For the duration of works on the site (including the demolition and construction phase) 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.

26. APPROVAL CONDITION - Replacement trees [Performance Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed (see also Landscaping condition above). The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees,

within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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 – Arboricultural Method Statement

The demolition and construction phase shall be implemented only in accordance with the method statements specified in the submitted BHA Trees Ltd. 'Arboricultural Impact Assessment Report' 1750b (2nd November 2009).

Reason:

To ensure the provision for trees to be retained and adequately protected throughout the development.

28. APPROVAL CONDITION - Arboricultural Protection Measures

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

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates
- Procedures for dealing with variations and incidents.

Reason:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2005, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

REASON FOR GRANTING PERMISSION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The provision of a 70 bed care home is an acceptable use for this site and replaces a previous flatted block associated with an extant planning permission. The scale and design of the building is similar to that previously agreed as acceptable and the reduction in frontage hard-standing enhances the setting of the building. The proposed car parking exceeds the Council's current Local Plan standards but has been justified. There are no fresh tree issues following the receipt of an up-to-date Tree Survey and amended plans. The application has addressed the emerging policies of the Council's Core Strategy and meets its sustainable development obligations. There are no tree objections to the proposals. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies – SDP1, SDP3, SDP5, SDP7, SDP9, SDP10, SDP13, H1, H7, HC3, CLT2 and IMP1 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the emerging Core Strategy.

Note to Applicant

Public Sewerage Informative

A formal application for connection to the public sewerage system is required to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, S)23 9EH (tel. 01962 858688) or www.southernwater.co.uk.

Cranes Informative

Given the nature of the proposed development it is possible that a crane may be required during its construction. The BAA would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advise Note 4 – "Cranes and Other Construction Issues", which can be downloaded at www.aoa.org.uk/publications/safeguarding.asp.

Note to Applicant - Pre-Commencement Conditions

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

Note to Applicant - Performance Conditions

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

RECOMMENDATION: S106

CONDITIONS for 09/01185/FUL

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 - Scope and Limitation within same Class

The use of the building and land hereby approved shall be limited to a 70 bedroom Residential Care Home identified as Use Class C2 within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) and shall not be used for any other use within that Class without the prior approval of the Local Planning Authority.

REASON:

In recognition of the specific type of use proposed and considered, and to ensure that the Local Planning Authority maintains controls over any further intensification of use

03. APPROVAL CONDITION - Details & samples of building materials to be used

Notwithstanding the details shown on with the application and approved drawings no development works, excluding the demolition phase, shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for external walls and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed. 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.

04. APPROVAL CONDITION - External plant, vents and other equipment

Other than those shown on the approved drawings no external vents, ducting, air conditioning units or plant shall be installed without the prior written approval of the Local Planning Authority.

REASON:

In the interest of protecting the visual appearance of the building.

05. APPROVAL CONDITION - Amenity Space Access

The garden areas and external pathways shown on the approved site plan, and pedestrian access to them, shall be made available as a communal area prior to the first occupation of the care home and shall be retained with access to it at all times for the use of the residents and their visitors.

REASON:

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

06. APPROVAL CONDITION - Landscaping detailed plan

Notwithstanding the details shown on submitted plan ref: 2160/1 Rev A a detailed landscaping

scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas – to include permeable materials where feasible and practicable - and all means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any site works, excluding demolition.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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 scheme 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

07. APPROVAL CONDITION - Refuse and Recycling Bin Storage

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

REASON:

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

08. APPROVAL CONDITION – Cycle storage [Pre-Occupation Condition]

The development to which this permission relates shall not be brought into use in full or in part until secure, covered space has been laid out within the site for bicycles to be stored and for cycle stands to be made available for visitors to the site as specified hereunder. The cycle stores and stands hereby approved shall thereafter be retained on site for those purposes.

Number of secure covered cycle spaces: 10

In accordance with plan number: L3065 AL(O)81 Rev B

Reason

To encourage cycling as an alternative form of transport

09. APPROVAL CONDITION – Care Home Deliveries

Following the first occupation of the care home hereby approved no deliveries shall be taken at or despatched from the site outside the period of 08:00 hours and 18:00 hours (8.00am and 6.00pm) nor at any time on Sundays and recognised public holidays.

REASON

To protect the amenities of surrounding areas and neighbouring residential occupiers and to reflect the delivery hours of the adjacent clubhouse.

10. APPROVAL CONDITION - Highways - Parking and Access Provision

Unless otherwise agreed in writing by the Local Planning Authority the 18 car parking spaces shown on the approved site plan and a vehicular access to them shall be provided within the site

before the use is commenced, and such parking shall be permanently retained for that purpose thereafter.

REASON

To prevent obstruction to traffic in neighbouring roads.

11. APPROVAL CONDITION - Highways - Stopping Up Access

Unless otherwise agreed in writing with the Local Planning Authority any existing access to the site not required to serve the approved layout shall be stopped up and abandoned and footway and verge crossings shall be reinstated immediately after completion of the new access.

REASON

In the interests of highway safety.

12. APPROVAL CONDITION - Crime Prevention - Security Lights

Excluding the demolition phase prior to construction works taking place details of the external security lighting to the development and associated cycle storage, pedestrian circulation areas, refuse and recycling bin storage, and vehicle access, including the siting, design and appearance of the lighting (which shall incorporate low wattage, anti-vandal facade mounted and column mounted down-lighter luminaires operated by photo-electric cells / ambient light sensors or time switch) shall be submitted to and approved in writing by the Local Planning Authority. The lighting arrangement as approved shall be subsequently installed, implemented and shall be retained on site and in use prior to the first occupation of the building.

REASON

In the interests of aiding surveillance in order to reduce crime.

13. APPROVAL CONDITION - Hours of Construction

All works relating to the construction of the development hereby granted, including the works to re-grade the levels of the site, demolition and ground preparation prior to building operations shall only take place between the hours of:

Monday to Friday 08.00 hours and 18.00 hours (8.00am to 6.00pm)
Saturdays 09.00 hours and 13.00 hours (9am to 1pm)
and at no time on Sundays and public holidays.

In addition deliveries of construction materials to the site and the removal of any waste materials from the site shall not take place during the following hours:-

Monday to Friday 08.00 hours and 09.30 Hours (8.00am to 9.30 am)
Monday to Friday 15.00 hours and 16.30 hours (3.00pm to 4.30pm)

to take account of the peak traffic movements along Portsmouth Road in relation to the use, and at no time on Saturdays, Sundays and public holidays to take account the occupation and proximity of neighbouring residential properties.

REASON

To protect the amenities of occupiers of nearby dwellings during the construction period and in the interests of highway safety in the vicinity.

14. APPROVAL CONDITION - Demolition - Removal of Debris

Unless otherwise agreed in writing by the Local Planning Authority prior to any demolition works taking place, the existing building shall be demolished and all resultant materials removed from the site before the works to construct the care home hereby approved are commenced.

REASON

To secure a satisfactory comprehensive form of development and to safeguard the visual amenity of the locality.

15. APPROVAL CONDITION – Demolition/Construction Statement

Before any demolition or construction 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 construction; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction traffic wheel cleaning; and, (g) details of how noise emanating from the site during 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.

16. APPROVAL CONDITION - Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout the demolition and construction phase. 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.

17. APPROVAL CONDITION - BREEAM Standards (commercial development)

Written documentary evidence demonstrating that the development will achieve at minimum a rating of Very Good against the BREEAM standard (or equivalent ratings using an alternative recognised assessment method) shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006) and Core Strategy Policy CS20.

18. APPROVAL CONDITION - Renewable Energy - Micro-Renewables

Unless otherwise agreed in writing by the Local Planning Authority part of the development's total energy demand shall be met by renewable energy technologies on the site that will achieve a reduction in CO2 emissions of at least 15% in accordance with the recommendations set out in the submitted Pentangle Consulting Engineers Limited Report (November 2009). Full details of the chosen renewable energy technologies (including the design specification, location and colour) shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding demolition) hereby granted permitted. The agreed renewable technologies shall be installed and rendered fully operational prior to the first occupation of the development hereby granted permission and retained and maintained thereafter.

Reason:

To reduce the impact of the development on climate change and finite energy resources and to comply with policy SDP13 (vi) of the City of Southampton Local Plan (2006).

19. APPROVAL CONDITION – Rainwater /Grey-water Harvesting

A specification of the rainwater/grey-water harvesting system shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development (excluding demolition) hereby granted permission. The approved specification shall be installed and fully operational prior to the first occupation of the development hereby granted permission and retained and maintained thereafter.

Reason:

To reduce overall water consumption and demand on resources in compliance with SDP13 (vii) of the City of Southampton Local Plan (2006).

20. APPROVAL CONDITION - Sustainable Urban Drainage System

A feasibility study by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable urban drainage system (SUDS) on site shall be carried out and verified in writing by the Local Planning prior to first occupation of the development hereby granted permission. If the study demonstrates the site has the capacity for the implementation of a sustainable urban drainage system, a specification shall be agreed in writing with the Local Planning Authority and installed and be rendered fully operational prior to the first occupation of the development. It shall thereafter be retained and maintained for the benefit of the residents.

REASON

To conserve valuable water resources and prevent against flood risk and to comply with policy SDP13 (vii) of the City of Southampton Local (2006).

21. APPROVAL CONDITION – Drainage

No construction works (excluding the demolition phase) shall take place until further details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved by the Local Planning Authority in consultation with Southern Water. The development shall proceed in accordance with these agreed details and shall be completed prior to the first use of the care home hereby approved.

Reason:

In the interests of securing appropriate drainage to serve the development in the interests of the local environment.

22. APPROVAL CONDITION - Archaeology

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 in writing by the Local Planning Authority.

REASON

To ensure that the archaeology of the site is properly investigated.

23. APPROVAL CONDITION - Tree Retention and Safeguarding

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 (including the demolition phases) 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 demolition and 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 - 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.

25. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

For the duration of works on the site (including the demolition and construction phase) 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.

26. APPROVAL CONDITION - Replacement trees [Performance Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed (see also Landscaping condition above). The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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 – Arboricultural Method Statement

The demolition and construction phase shall be implemented only in accordance with the method statements specified in the submitted BHA Trees Ltd. 'Arboricultural Impact Assessment Report' 1750b (2nd November 2009).

Reason:

To ensure the provision for trees to be retained and adequately protected throughout the development.

28. APPROVAL CONDITION - Arboricultural Protection Measures

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

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates
- Procedures for dealing with variations and incidents.

Reason:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2005, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

00. REASON FOR GRANTING PERMISSION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The provision of a 70 bed care home is an acceptable use for this site and replaces a previous flatted block associated with an extant planning permission. The scale and design of the building is similar to that previously agreed as acceptable and the reduction in frontage hard-standing enhances the setting of the building. The proposed car parking exceeds the Council's current Local Plan standards but has been justified. There are no fresh tree issues following the receipt of an up-to-date Tree Survey and amended plans. The application has addressed the emerging policies of the Council's Core Strategy and meets its sustainable development obligations. There are no tree objections to the proposals. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies – SDP1, SDP3, SDP5, SDP7, SDP9, SDP10, SDP13, H1, H7, HC3, CLT2 and IMP1 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the emerging Core Strategy.

Note to Applicant

Public Sewerage Informative

A formal application for connection to the public sewerage system is required to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, S)23 9EH (tel. 01962 858688) or www.southernwater.co.uk.

Cranes Informative

Given the nature of the proposed development it is possible that a crane may be required during its construction. The BAA would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advise Note 4 – "Cranes and Other Construction Issues", which can be downloaded at www.aoa.org.uk/publications/safeguarding.asp.

Note to Applicant - Pre-Commencement Conditions

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

Note to Applicant - Performance Conditions

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