

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

<b>Application address:</b> Part of Former New College Site, The Avenue SO17 1XJ			
<b>Proposed development:</b> Redevelopment of the site, erection of 12 three-storey 4 bedroom houses and a five-storey block of 35 flats (20 studios, 9 x one-bedroom and 6 x two-bedroom) with associated access, parking and landscaping.			
<b>Application number</b>	12/01522/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Richard Plume	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	18.01.2013	<b>Ward</b>	Bevois
<b>Reason for Panel Referral:</b>	Departure from the Development Plan	<b>Ward Councillors</b>	Cllr Barnes-Andrews Cllr Burke Cllr Rayment

<b>Applicant:</b> Linden Ltd (Trading As Linden Homes Southern)	<b>Agent:</b> Luken Beck (Mr Robin Reay)
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Appendix attached</b>			
1	Development Plan Policies		

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application constitutes a departure from Policy MSA 13 of the Local Plan but the Council is satisfied that sufficient evidence has been provided to prove that an office use is not viable on this site. The Council is also satisfied that the arrangements for affordable housing and family housing provision are satisfactory in the circumstances of this case. Overall, the character and appearance of The Avenue Conservation Area would be preserved as would the setting of the adjacent Listed ST. Edmunds Church. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP13, SDP16, NE6, HE1, HE3, HE6, CLT5, CLT6, H1, H2, H3, H7, TI2 and MSA13 of the City of Southampton Local Plan Review (March 2006) and Policies CS4, CS5, CS6, CS8, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

## **Recommendation in Full**

- 1) Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
  - i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
  - ii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
  - iii. Financial contributions towards the open space improvements required by the development in line with Policies CLT5 and CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
  - iv. Provision of affordable housing in accordance with Core Strategy Policy CS15.
  - v. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy Policies CS24 and CS25.
  - vi. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- 2) In the event that the legal agreement is not completed by 18.01.2013 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- 3) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

### **1.0 The site and its context**

- 1.1 The application site, some 0.53 hectares in area, is vacant and cleared of buildings and is situated on the western side of The Avenue just north of Rockstone Place. The site is within The Avenue Conservation Area and there is a belt of mature trees along The Avenue frontage of the site.
- 1.2 The site was formerly part of the New College annexe, the majority of which has been redeveloped for residential purposes and known as 'Park Centrale'. Immediately adjoining to the north and west are 5-storey blocks of flats, Hadleigh Place and Oxford Place, and two original Victorian villas at 80 The Avenue and 2 Archers Road which have been converted into flats. Adjoining to the south is St Edmund's Church which is a Grade II Listed Building and a single-storey building used as the Church office with 2-storey houses at Burlington Place and listed residential properties beyond on Rockstone Place. To the west is a large area of communal open space serving the 'Park Centrale' development.
- 1.3 There is an existing two-way vehicular access to the site from The Avenue

between the southern edge of the site and the Church. This access also serves the adjoining Church office and the dwellings in Rockstone Place which have car parking spaces at the rear. There is a further pedestrian access from The Avenue to the north of the application site. There are two vehicular access points from Archers Road which serve the remainder of the Park Centrale site.

## **2.0 Proposal**

- 2.1 The current application proposes redevelopment of the site in two parts: the erection of 12 three-storey houses on The Avenue frontage of the site; and a 5-storey block of 35 flats (20 studios, 9 x one-bedroom and 6 x two bedroom) to the rear of the site fronting the communal green space. The proposed houses would be in terraces of three and would all be 4 bedrooms. The density of the scheme would be 88 dwellings per hectare.
- 2.2 The car parking for the flats would be accessed from The Avenue using the existing access point adjoining the church. There would be underground cycle parking and 16 car parking spaces plus 11 surface parking spaces giving a total of 27 parking spaces for the flats. 24 parking spaces would be provided for the proposed houses to the rear of Oxford Place which would be accessed from Archers Road.
- 2.3 The proposed materials would be buff/yellow brick with a slate roof to the houses and a mixture of brickwork, render and timber detailing to the flats.

## **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 adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.4 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.

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

- 4.1 The application site was in educational use for many years, originally by the La Sainte Union College of Higher Education and later by the University of Southampton.
- 4.2 In March 2008, planning permission was granted for redevelopment of the site involving demolition of the existing buildings and erection of three buildings (3 and 4-storeys) to provide 6,510 square metres of office floorspace, with associated parking and landscaping (Reference 07/01045/FUL). This permission has now expired but was 'renewed' in March 2011 under reference number 11/00117/TIME and consequently can still be implemented until March 2014.
- 4.3 The residential accommodation on the 'Park Centrale' site comprises 196 flats and 19 houses and was granted permission in March 2008 (reference 07/01061/FUL).

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

- 5.1 The applicants undertook a public consultation exercise at the pre-application stage including holding a public exhibition in August of this year. 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 (08.11.2012) and erecting a site notice (08.11.2012) as a Departure from the Development Plan. At the time of writing the report **5** representations have been received from surrounding residents. The following is a summary of the points raised.
- 5.2 **There is a lack of parking spaces for visitors. The proposed new development will have allocated parking spaces for the new residents but no additional allocation of parking for guests/visitors which will place additional pressure on the limited parking available.**

##### Response

The highways and car parking issues are addressed later in this report.

- 5.3 **There should be no additional vehicular use of the access to The Avenue as this is already a precarious route due to the need to cross a pedestrian and cycle path which runs alongside The Avenue. The existing route is narrow and already has sufficient traffic using it.**

##### Response

The access to/from The Avenue is a long established 'left in left out' vehicular route which previously served the educational use of the site. Due to the layout of the 'Park Centrale' development, the majority of the site is served from access points off Archers Road with only a limited number of vehicles using the access from The Avenue. There are existing bollard restrictions which prevent a through access route being formed.

- 5.4 **The proposed windows to the block of flats will overlook the rear of the properties in Rockstone Place leading to a loss of privacy.**

Response

The distance between the proposed block of flats and the rear of the properties in Rockstone Place is some 46 metres and there are two-storey houses between the two buildings so overlooking should not be an issue

- 5.5 **Generally support the proposals but the new finishes should be of equivalent or greater quality to that of the remainder of the New College development.**

Response

This is agreed and the choice of external materials will be covered by a condition.

- 5.6 **St Joseph's and St Edmund's Catholic Parish** - Due to the nature of the access road and the number of potential conflict points from The Avenue, the Archers Road access should be the principal vehicle access to the site including the underground car park. Without this change the development would directly affect St Edmund's Church especially at weekends. The car parking arrangements are a major concern. The car parking allocation is less than one space per dwelling for the proposed flats. This will result in random parking all over the site including parking blocking the church service area. Construction access and traffic management arrangements need to take account of the Church's activities. The bollards and lighting columns are welcomed but need to be properly detailed. The increased level of activity could result in additional anti-social activity to the rear of the church which could be overcome by replacing existing timber fencing with a metal railed fence.

Response

The issues relating to the access from The Avenue are dealt with elsewhere in this report. The provision of additional residential accommodation should not have an adverse impact on the operation of the church given the predominantly residential nature of the surroundings. The issue of replacement fencing is not a planning consideration given that the existing timber fencing is satisfactory in planning terms.

- 5.7 **SCC Highways** - The principle of residential development here is acceptable in highway terms. The volume of traffic turning off and on to The Avenue at the access adjacent to St Edmunds Church is less than the approved office scheme which is considered beneficial from a highway perspective. There will be additional traffic movements turning into Archers Road, but this is through a formalised junction, which then gives access via the new estate roads to the remainder of this proposed development. The bollards shown in the access road are vulnerable and are unlikely to perform the purpose for which they are proposed. An alternative approach to this area is required. If left as shown without bollards it is likely to become car parking, which could restrict movement in this location with the width of carriageway available. (Note: revisions have been made to the layout and further details can be secured through a condition). Detailed changes are needed to the bin store and cycle storage arrangements which can also be covered by conditions.

- 5.8 **SCC Trees** – There is no direct conflict between the proposed dwellings and the protected trees and no objections are raised to this application. An updated Arboricultural Method Statement should be provided and could be conditioned.

- 5.9 **SCC Sustainability Team** – There is no objection, subject to conditions, as the baseline surface water run off requirements will be covered by the Code; however, there is concern that a more comprehensive Sustainable Drainage System has not been integrated with the plan at this stage to produce a more effective and future proofed system.
- 5.10 **SCC Planning Policy** – Planning Policy is satisfied that a sufficient period of marketing has taken place for this element of the New College site. This has demonstrated a lack of viability for the previous office permission, and Planning Policy raises no objection to the principle of residential development as submitted, the inclusion of family homes being especially welcomed.
- 5.11 **SCC Environmental Health (Pollution & Safety)** - No objections, recommend conditions.
- 5.12 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records do not indicate that any potentially contaminating land uses have existed on or, in the vicinity of the subject site. However, these records are not authoritative and reference to them alone is not sufficient to confidently determine the presence of any risk. In view of the sensitive nature of the proposal a more thorough assessment of the potential land contamination hazards would be prudent. Therefore, to ensure compliance with Policies SDP1 and SDP22 of the Local Plan this department would recommend that the site be assessed for land contamination risks or assume that land contamination exists and take a precautionary approach. Consequently conditions are recommended.
- 5.13 **SCC Ecology** – The application site is currently cleared ground and as such has negligible biodiversity value. Development of this area will not therefore have any direct impacts on local biodiversity and consequently there is no objection. Adjacent to the application site is a line of mature trees. These trees are to be retained, however, as bat boxes have previously been placed in a number of them, care should be taken to avoid direct illumination of the canopies. It is proposed to add further bat boxes, which is an appropriate biodiversity enhancement measure.
- 5.14 **SCC Archaeology** – Due to the archaeological potential of the site a programme of archaeological work will be required in advance of the development. No objections to the proposal subject to conditions.
- 5.15 **SCC Conservation** - No objections, this is the last remaining parcel of land within the site to be developed and therefore the impact of any development is largely minimised by the earlier phases. The site is screened by a 2 metre high wall as well as the existing trees. This screening, together with the distance back from The Avenue, will mitigate any impact the development would have on the character and appearance of The Avenue Conservation Area.
- 5.16 **SCC Housing** – As the scheme comprises 47 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 16 dwellings. In this case provision will be sought on site and as per the pre-application discussions we are happy to have 8 x 4 bedroom houses as the affordable element and to calculate on a 35% of habitable rooms basis. Planning conditions

and or obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.

#### 5.17 **SCC City Design Team –**

- 5.17.1 The proposal sits well in the context created by the recently completed development of the former New College site. The houses help to recreate a frontage to the Avenue, although set back behind a screen of mature trees, and the proposed apartment block provides enclosure to the large open space at the heart of the wider development site.
- 5.17.2 Permeability is good with pedestrian access retained to the north of the site with some natural surveillance provided by the northern most house. Access to the rear of Hadleigh Place and Oxford Place is restricted, being limited to access to the underground car park provided by the proposal and gated pedestrian access to the surface level car park above this to the north of the new apartment block.
- 5.17.3 The scale of the terraces of houses sits comfortably with the scale of other existing development, including the villas, that front on to the Avenue. Despite being 3 storeys in height they are similar in height to the existing two storey villas.
- 5.17.4 The proposed apartment block of 5 storeys is of a similar height to the previous approved commercial scheme and a similar height to the adjoining 5 storey apartment blocks of Hadleigh Place and Oxford Place. Although this is a 'tall building' under Local Plan policy SDP 9 it sits well within the context of the recently completed adjacent apartment blocks. Although the gable features are a slightly steeper pitch than the traditional villa roofs they create a strong character which will complement the existing character of the Avenue. The proposed apartment block has a similar form and appearance to the recently completed blocks that frame the edge of the existing open space.
- 5.17.5 The use of buff bricks, similar to the original buff/yellow stock bricks characteristic of the development along the Avenue, is supported, as is the slate roofing material for the proposed houses. The use of brick, render and timber is proposed for the apartment block, however it is advised that a resin based timber boarding product may be preferable to ensure that unsightly weathering of a natural timber product does not occur.

5.18 **City of Southampton Society - No objections to the development.**

### **6.0 Planning Consideration Key Issues**

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

- The principle of this form of development
- Design issues including the impact on heritage assets
- Transport and parking issues
- Impact on residential amenity
- Trees and sustainability

## 6.2 Principle of Development

- 6.2.1 The whole of the former New College site was allocated in the Local Plan, under site allocation Policy MSA 13, for a mixed use development to include: Hampshire Police Constabulary operational/support and custody facilities along The Avenue frontage of the site; residential, to include a range of housing types; and a new science block accommodation for St Anne's Convent School.
- 6.2.2 The policy states that offices (Class B1) will be permitted on The Avenue frontage should the police requirements cease. The policy requirement for science block accommodation for the school has been provided elsewhere on the former New College site. The reference in the policy to new facilities for Hampshire Police on the application site has been overtaken by events and the new HQ has been provided at Southern Road. Consequently, permission was granted for office use in accordance with the policy in 2008 and subsequently renewed in 2011.
- 6.2.3 The current application is as a result of a lack of interest in the site for office purposes. The applicant has submitted evidence that the site has been extensively marketed for office purposes but without success. It would not seem to be reasonable to hold out for a possible office use coming forward particularly as there are numerous other sites in the city centre with potential for office use which are situated closer to the railway station. In these circumstances it would seem to be reasonable to consider a further residential scheme to complete the development of this large site.
- 6.2.4 The application proposes a mix of large family houses, studios, one and two bedroom flats. Policy CS15 of the Core Strategy requires the provision of 35% affordable housing for developments of 15 dwellings or more.
- 6.2.5 On this site the standard affordable provision would equate to 16 units. However, the approach which has been agreed with the Housing Enabling Team (see comments in paragraph 5.16 of this report) is for 8 of the 4 bedroom houses to be the affordable housing provision in this case. Although this equates to only 17% of the total development by dwellings it provides 38% of the development when calculated by habitable rooms.
- 6.2.6 In view of the number of small units within the scheme the provision of affordable housing in this way will meet a clear priority need by providing 8 of the large houses as affordable units. Although a range of unit sizes is provided, the level of family sized dwellings falls below the 30% provision sought by Policy CS16. By dwelling numbers, the proposed houses equate to 26% of the total development, although by habitable room calculation the family provision is equivalent to 56% of the total development.
- 6.2.7 Due to the layout of the site it would not be practical to include additional family sized units. In these circumstances it is considered that the policies relating to affordable housing and mix of dwellings have been satisfactorily addressed.
- 6.2.8 In terms of amenity space provision, the garden sizes for the proposed houses is slightly less than the guidance in the Residential Design Guide and the private space for the flats is mainly in the form of balconies. However, this site is very close to the city centre where the prevailing character is of high density developments with smaller gardens than would be provided in a more suburban



location. The properties would also have use of the large area of communal amenity space which serves the rest of the 'Park Centrale' development. In these circumstances, the amenity space arrangements are considered to be acceptable.

### 6.3 Design Issues

- 6.3.1 Members' attention is drawn to the detailed comments of the Council's City Design Manager in section 5.17 of this report.
- 6.3.2 The application site is within The Avenue Conservation Area and directly adjoins the listed buildings of St Edmund's Church and in Rockstone Place. In considering this application, special attention should be paid to the impact on the character and appearance of the conservation area and the setting of these listed buildings. The application should be judged against the current policy background and the Conservation Area character appraisal which was published in 1997.
- 6.3.3 This appraisal states: 'the character of the Conservation Area is strongly influenced by the roadside trees from which The Avenue takes its name. Whilst there are no specific focal points in the Conservation Area, the main vista (when looking from north to south) is formed by the trees and line of adjacent buildings which produce a harmonious and consistent character'. The appraisal divides the Conservation Area into three distinct areas. The application site is within the western side of The Avenue which is identified as having developed from the 1870's onwards in a different style and is less harmonious than the east having experienced more change.
- 6.3.4 The previous permissions on this site were for office buildings in a contemporary design solution. Although this approach was considered to be acceptable there is no doubt that the current application which proposes 3-storey houses on The Avenue frontage is more in keeping with the character and appearance of the Conservation Area than the previous office development. The use of terraced houses with gaps between them will be a clear reference to the original detached Victorian villas in this part of The Avenue. Overall, the character and appearance of The Avenue Conservation Area would be preserved as a result of this development.
- 6.3.5 The setting of the listed St. Edmunds Church is also an important consideration. The proposed new buildings retain a significant separation from the Church and the frontage houses are of smaller scale than either the office development or the former education buildings on the site. The Church, due to its scale, design and siting close to the back edge of the pavement would remain the dominant feature of the area and its setting as a listed building would be retained.

### 6.4 Transport and parking issues

- 6.4.1 The site is close to the city centre facilities and is well served by public transport making it a good location for further residential development. Vehicular access to the site is from The Avenue using a long established access. Although this access is two way it is a 'left in and left out' arrangement which limits problems associated with highway safety. This development would result in fewer car parking spaces using this access point than was the case with the previous approval for offices (27 compared with 31 in addition to the existing 9 spaces which serve the Rockstone Place properties).

6.4.2 In terms of overall car parking provision 51 spaces are provided for 47 dwellings which is considered to be acceptable in this location. Residents concerns about the lack of visitor parking are understandable but it is not a requirement to provide additional spaces for visitors. The site layout has been amended to take account of highways officers' comments relating to refuse storage and car parking.

## 6.5 Impact on residential amenity

6.5.1 As this application proposes houses on The Avenue frontage in place of a large scale office building there would be less impact on the amenities of the neighbours adjoining to the north of the site. The neighbours most affected by the proposed block of flats are the residents of Oxford Place which directly adjoins to the west.

6.5.2 There is only a 5 metre separation between these two 5-storey buildings and consequently there would be some impact in terms of light and outlook to existing windows in the flank wall. These adjoining windows, three on each of the four main floors of the building are a secondary window to a living room, a bedroom window and an obscured glazed bathroom window at the rear.

6.5.3 There would be a loss of light to the adjoining bedroom windows, but it should be noted that the previous office building was the same footprint and position on the site and therefore a similar impact would have resulted had that approved scheme been implemented. The privacy between the two buildings can be safeguarded by obscure glazed windows which can be secured by a condition.

6.5.4 To the south of the application site is a pair of semi-detached houses known as Burlington Place, 85 and 86 The Avenue. These two houses were part of the 'Park Centrale' development and were designed in recognition of the approved office development. Consequently, they have their main habitable room windows facing to the side and rear.

6.5.5 The proposed block of flats has a separation distance of about 15 metres which was the same as the approved office building. As the block of flats is on the north side of these houses there will be no loss of sunlight or overshadowing. Direct overlooking of the houses will be minimised by the inclusion of obscure glazed details which can be secured by condition.

6.5.6 The adjoining church and their office consider that the development would impact on their activities but it is difficult to see how a residential use would be less compatible with their operation than the previous office proposal.

## 6.7 Trees and sustainability issues

6.7.1 There are a substantial number of mature trees on the site especially along The Avenue frontage. These existing trees create a mature, established character to the site and their retention is a key part of the development proposals. The Council's Tree Officer has raised no objection to the proposal.

6.7.2 As part of the applicants landscape strategy plan, substantial new tree planting is proposed to strengthen the tree cover on the site so that the development

remains 'green and leafy' in the long-term. The policy requirement of retaining the mature landscaped boundary along The Avenue would be met. The development will be built to Code 4 and this can be secured by a condition.

## **7.0 Summary**

7.1 The application site is part of a historic mixed use policy allocation which has partly been overtaken by events. There has been insufficient interest in an office development to justify keeping the site vacant and a further residential development will allow the New College site to be completed in a way which will preserve the character and appearance of the conservation area and safeguard the setting of adjoining listed buildings. Other transport and amenity issues are considered to be acceptable subject to conditions.

## **8. Conclusion**

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

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(g), 4(aa), 4(vv), 6(c), 7(a), 8(a), 9(a), 9(b).

### **RP2 for 15/01/2013 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 - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]**

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

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment, including 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

### **04. 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.

#### **05. 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.

#### **06. 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.

#### **07. APPROVAL CONDITION - Arboricultural Method Statement [Pre-Commencement Condition]**

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the

duration of the demolition and development works on site. The Method Statement will include the following:

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

Reason

To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

**08. 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.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

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

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

boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

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

#### **11. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]**

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

Reason:

In the interests of highway safety.

#### **12. APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]**

No percussion or impact driven piling activities shall take place for pre-works, foundations, or as any part of the development.

Reason:

In the interests of securing the stability of the site and adjacent land in order to protect the amenities of occupiers of nearby properties.

#### **13. APPROVAL CONDITION- Green roof feasibility study (Pre-Commencement)**

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

#### **14. 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).

**15. 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).

**16. APPROVAL CONDITION - Glazing - soundproofing from external traffic noise [Pre-Commencement Condition]**

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from The Avenue has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:- Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

**Reason:**

In order to protect occupiers of the flats from traffic noise.

**17. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]**

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

**Reason:**

To ensure satisfactory drainage provision for the area.

**18. 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 [cycleways] and footpaths are constructed in accordance with standards required by the Highway Authority.

**19. APPROVAL CONDITION - Vehicular access design (Pre-Commencement Condition)**

Notwithstanding what is shown on the approved drawings, the detailed design treatment of the vehicular access from The Avenue adjoining the church premises shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason

To ensure satisfactory treatment of this area in the interests of vehicular and pedestrian safety.

**20. APPROVAL CONDITION - No gates across access road (Performance Condition)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 or any subsequent amending order, no gates, walls, fences or other means of enclosure shall be installed across the access road serving the development.

Reason

To ensure pedestrian access through the site is maintained.

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

The whole of the car parking, cycle storage and servicing facilities shown on the approved plans shall be laid out and made available before the use of the building to which these facilities relate commences and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose.

REASON

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

**22. APPROVAL CONDITION - Car Parking Allocation (Performance Condition)**

A minimum of one car parking space, as shown on the approved plans, shall be allocated and made available to each of the one bedroom and two bedroom flats and each of the houses hereby approved.

Reason

To ensure that the larger dwellings have a reasonable provision of parking spaces

**23. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]**

Before the building is first occupied full details of facilities to be provided for the storage

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

Reason:

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

**24. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]**

The development to which this consent 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. The cycle stores and stands hereby approved shall thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

**25. APPROVAL CONDITION - No other windows or doors other than approved in specific location [Performance Condition]**

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including roof windows or dormer windows), doors or other openings other than those expressly authorised by this permission shall be constructed on the northern or southern elevations of the block of flats hereby approved other than those shown on the drawings hereby granted consent without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenity and privacy of the adjacent property.

**26. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]**

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

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

**27. APPROVAL CONDITION - Archaeological work programme [Performance Condition]**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed.

**28. APPROVAL CONDITION - Balcony Screens (Pre-Occupation Condition)**

The north facing balconies to the block of flats hereby approved shall have privacy screens

installed in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority before the flats to which the balcony relates is first occupied. The approved privacy screens shall be retained thereafter.

Reason

To protect the amenities of neighbours.

**29. APPROVAL CONDITION - Obscure glazing (Performance Condition)**

The windows to the north and south elevations of the block of flats hereby approved, shown as being obscured glass, shall be glazed in obscured glass before the flats to which the windows relate are first occupied and shall be permanently retained as such thereafter.

Reason

To protect the amenities of neighbouring occupiers.

**30. APPROVAL CONDITION - Approved Plans**

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

Reason:

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

**POLICY CONTEXT**Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS8	Office Location
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS24	Access to Jobs
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
SDP16	Noise
SDP22	Contaminated Land
NE6	Protection / Improvement of Character
HE1	New Development in Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment
TI2	Vehicular Access
MSA1	City Centre Design
MSA13	New College Site, The Avenue

## Supplementary Planning Guidance

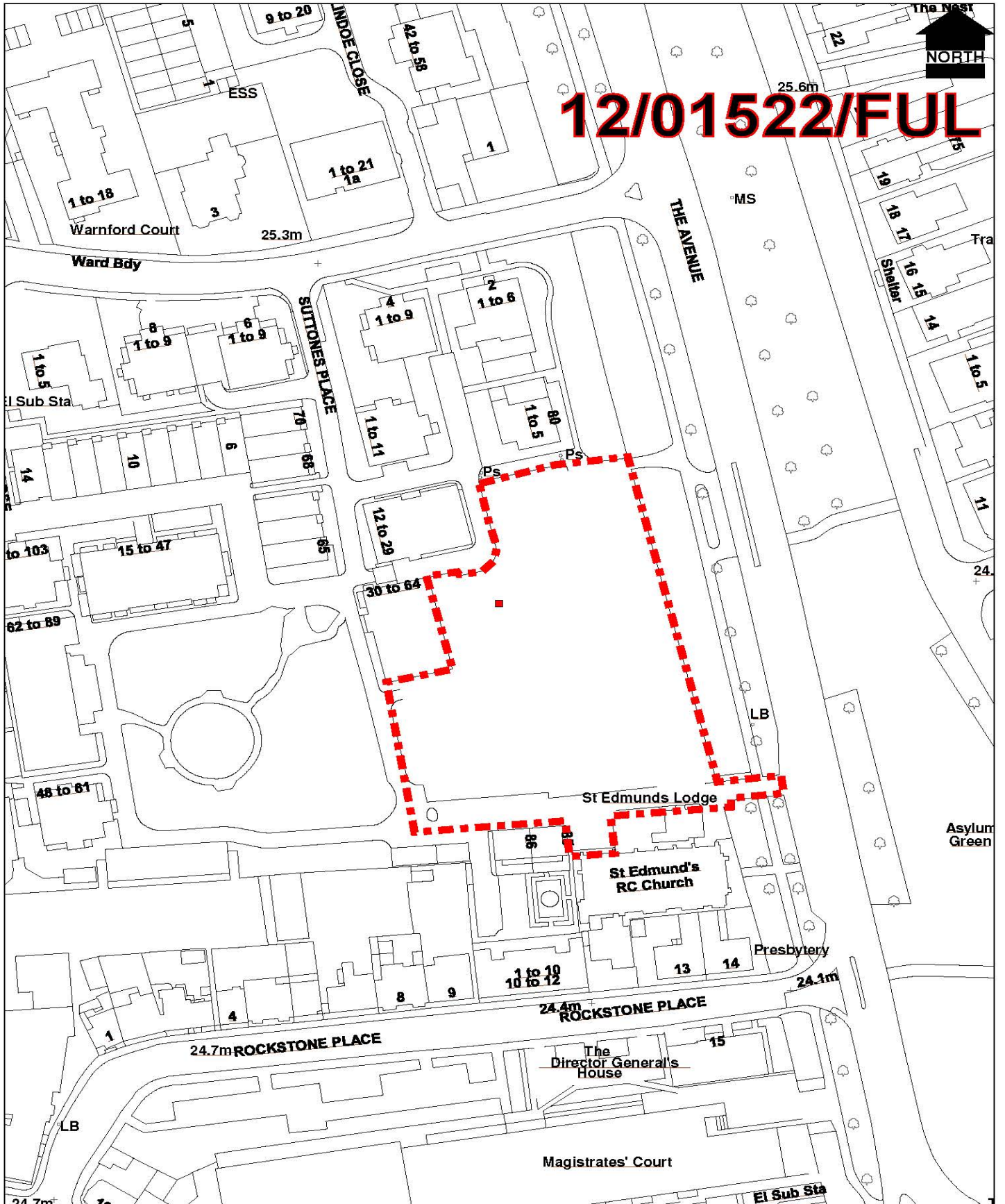
Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - August 2005 and amended November 2006)

Parking Standards SPG (September 2011)

## Other Relevant Guidance

The National Planning Policy Framework 2012



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