

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 25th May 2010
 Planning Application Report of the Head of Division

Application address	Land to rear of 429 Shirley Road		
Proposed development:	Redevelopment of the site. Erection of a part 2-storey and part 3-storey building to provide 10 flats (1x one bedroom, 6 x two bedroom and 3 x three bedroom) with associated works		
Application number	10/00283/FUL	Application type	Full Detailed
Case officer	Bryony Giles	Application category	Q13 - Minor Dwellings

Recommendation Summary	Delegate to Head of Planning and Sustainability 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:	Mr Mark Sennitt Orchard Homes & Developments Ltd 51-67 Commercial Road Southampton	Agent:	Julian Boswell Sherlock Boswell Architecture 410 The Grange Romsey Road Michelmersh
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Date of receipt	26.03.2010	City Ward	Shirley
Date of registration	26.03.2010	Ward members	Cllr Dean
Publicity expiry date	06.05.2010		Cllr Mead
Date to determine by	25.06.2010 IN TIME		Cllr Matthews

Site area	600 sq.m (00.06 ha)	Usable amenity area	shown: 200m2
Site coverage (developed area)	58%	Landscaped areas	shown: 50m2 (Approx)
Density - whole site	166 d.p.h		

Residential mix	nos	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	1	50 sq.m	Commercial use	-	-
2-bedroom	6	55 – 60sq.m	Retail use	-	-
3-bedroom	3	67 - 71 sq.m	Leisure use	-	-
other	-	-	other	-	-
Policy designation	-				

Accessibility zone	High	Policy parking max	4 spaces
Parking Permit Zone	no	existing site parking	0 spaces
Cyclist facilities	yes	car parking provision	0 spaces
motor & bicycles	14 cycles	disabled parking	0 spaces

Key submitted documents supporting application			
1	Design and Access Statement	2	Transport Statement
3	Noise report	4	Tree Survey
5	Shadow diagrams		
Appendix attached			
1	Planning History	2	Relevant Planning Policy

Recommendation in full

Delegate to Head of Planning and Sustainability to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement to secure:

- a A financial contribution towards the provision of public open space and equipment in accordance with policy CLT5 & IMP1 of the adopted City of Southampton Local Plan and applicable SPG.
- b A financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 & IMP1 the adopted City of Southampton Local Plan and applicable SPG.
- c A financial contribution towards site specific transport contributions for highway improvement in the vicinity of the site in accordance with IMP1 the adopted City of Southampton Local Plan and appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car.
- d A financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG.
- e A highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- f Refuse management plan to outline the methods of storage and waste collection of refuse from the land in accordance with policy SDP1 of the development plan and appropriate SPG.
- g Affordable housing provision in accordance with appropriate SPG.

And that in the event that the legal agreement is not been completed by 25th June 2010 that the D C Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Agreement.

BACKGROUND

Site and surrounding context

The application site relates to land located to the rear of 429 Shirley Road, on Shirley Avenue. The site is located within the defined Shirley Town Centre on the corner of Shirley Road and Shirley Avenue. Along Shirley Avenue there are trees within the footway which screen the site.

The existing use of the site is A1 retail with ancillary storage. Now vacant, the site traded as the Plumb Centre.

The site consists of a single storey element to the corner building which runs parallel to Shirley Avenue. Beyond that is a concreted area enclosed by a 1.8m high wall/gate that was last used for storage.

The remainder of the existing building outside this application site is to be retained and planning permission has been sought for its conversion to A3/A4 on the ground floor with residential accommodation above.

To the east of the site is a gated vehicle entry point which allows vehicles to park behind the buildings fronting Shirley Road.

Directly opposite the application site is a post office and pet store. The lower part of Shirley Avenue (adjacent to Shirley Road) is occupied by A1 uses. As you move north-east up Shirley Avenue the street becomes predominantly residential, made up of two storey detached and semi-detached housing. The tree lined avenue has a typical suburban residential feel; properties have large front gardens. On street parking is available.

Proposal

The application is one of three schemes currently being considered by the LPA on this site.

The application seeks planning permission for a development comprising of 10 flats providing a mix of 1, 2 and 3 bedroom units. The scheme proposes a 100% affordable housing scheme which is to be controlled by a Registered Social Landlord.

The part 2/part 3 storey building will be formed of facing brick and render. The front elevation is well articulated with the building mass broken down into separate sections through the use of recessed balconies and varying sized fenestration.

The footprint of the building occupies 58% of the site, with 33% of the site available for private and communal amenity space with the remaining 9% being landscaped.

There is to be no parking on the site and all units will have direct access to private and useable amenity space to the required standards.

Relevant Planning Policy

LDF Core Strategy - Planning Southampton to 2026

Following receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010), the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review form the planning policy framework, against which this application should be determined.

The relevant CS policies and the "saved" policies from the Local Plan Review are set out at **Appendix 1**. In particular, the adopted LDF Core Strategy Policy CS13 (Fundamentals of Design), as supported by Local Plan Policy SDP1 are relevant in the determination of this application, as is policy CS5 of the adopted Core Strategy.

Policy SDP1(i) requires planning permission to only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens.

Policy CS13 (11) expands on this requiring urban form and scale to be considered and advocates the need to make higher densities work, being of an appropriate scale, massing and appearance.

Policy CS5 advocates that intensification and higher densities will be appropriate in some areas of the city in order to make best use of land, to support a range of local services and infrastructure and to create a residential environment with a mix of housing including smaller units and affordable housing. At all densities, residential development should be high quality, energy efficient and in line with best practice in sustainability and should maximise outdoor space, for example by providing gardens, roof terraces or balconies.

Sustainability Implications

Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan saved Policy SDP13 the applicant has submitted a 'Sustainable Development Checklist' to support their application and have made a commitment to achieving a Code for Sustainable Homes Level 3.

Relevant Planning History

09/01268/FUL - Redevelopment of the site. Erection of a three storey building to provide 10 x 2 bedroom flats with associated access and parking following demolition of the existing buildings – REFUSED - 03.02.2010.

1. Design, bulk and massing of proposed development

The proposed three storey height combined with the overall mass of the development in a street-scene predominately characterised by two-storey dwellings would appear unduly dominant thereby detracting from the character of the area. The design of the proposal fails to have regard to the proportion of buildings or architectural features of the Shirley Avenue street-scene within which it is located but instead seeks to introduce a building of scale, massing and design more typically found Shirley High Street. The development does not therefore respect the character of its immediate surroundings in terms of height, massing, footprint and design. Therefore, the development is contrary to the provisions of policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan (March 2006) and policies CS13 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010).

2. Residential amenity issues

The proposed development by virtue of its footprint and site coverage fails to provide sufficient private amenity space for the occupiers of all the flats and in addition the amenity space that has been provided in the form of a landscaped area is not fit for purpose. As such the proposal is contrary to policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan (March 2006), policy CS13 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and section 4.4 of the Residential Design Guide (September 2006).

3. Lack of family housing

The proposed development of ten two-bed units fails to provide sufficient sized units to provide family housing on site in an area characterised by family housing and as such the proposal is contrary to policies SDP1 and H7 of the Local Plan (March 2006) and policy CS16 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010).

Other applications not yet determined relating to this site

10/00317/FUL – Redevelopment of the site. Erection of a part 2 / part 3 storey terraced block, of 7 houses (comprising of 2 x 2-bed and 5 x 4-bed) with associated storage. Car free development. Proposed to be determined under delegated powers.

Other applications not yet determined immediately adjoining this site

10/00282/FUL - Single storey ground floor side and rear extensions; convert/use of ground floor as a restaurant as a (class A3); create 4 x 2 bedroom flats on first and second floors. Form two residential roof terraces over side extension with balustrade safety rail. Proposed to be determined under delegated powers.

Consultation Responses and Notification Representations

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 (15.04.2010) and erecting a site notice (08.04.2010).

At the time of writing the report **2** objections have been received from surrounding residents, on the following grounds:-

The development should not be taken in isolation but should be considered alongside the planning permission already granted for the Post Office Complex opposite and for the building on the opposite corner of Vincent Rd/Shirley Avenue. The combination of developments significantly increases the density of the development, adds to parking problems and changes the character of the area.

Response

The council's own policies allow for the more intensive use of 'Brownfield' sites in high accessibility areas.

Each site must be considered on its own merits. Extant planning permissions have been taken into account. Full consideration has been given to the existing character of the Shirley Road/Shirley Avenue street scenes.

The design of the flats is not in keeping with the attractive design of the original old building on the corner.

Response

The adopted Residential Design Guide advocates that new developments should respond to the character and context of its site and establish a new high quality 21st century contemporary architecture for the city that makes an appropriate reference to the local vernacular architecture (para 3.10.2). The proposed development picks up in the key architectural features of the historic building (such as the gable roof form and build line) and interprets these in a modern design approach.

There is insufficient parking within the surrounding area to serve this development.

Response

The site is located within a high accessibility area. Bus stops located just a short walking distance from the application site provide regular bus services into and out of the city. Direct bus routes are also available to central railway station.

A zero parking scheme accords with the councils maximum car parking standards as set out in policy SDP5 (Appendix 1) of the Local Plan Review.

A precedent for this type of development in this area should not be set.

Response

Each application site is and must be judged on its own merits in relation to current planning policy and design guidance.

Summary of Consultation comments

SCC Highways

An objection was raised from Highways DC by reason of the carry distance between residential units and the refuse store for some units being greater than 30m. Paragraphs 9.2.4-9.2.5 of the Residential Design Guide advocates that waste storage should be sited so as to enable residents and collection workers to conveniently and safely access waste containers and to ensure that the distance for householders to carry refuse from their dwelling not to exceed 30 metres (excluding any vertical distance).

Only three units within the development have a carry distance over 30m. The distance they are required to carry their refuse is 38m. A discussion was had with the architect to explore the possibility of relocating the waste store into the centre of the building to overcome this issue. It was concluded that doing so would not only harm the external appearance of the building, but also disrupt the size and layout with units in the building. All units have direct access to the waste store and as such it is judged that the harm to the aesthetic and function of the scheme outweighs the benefits of relocating the waste store.

SCC Sustainability

No objection raised. The development will meet Code Level 3 in accordance with policy CS20 and should be conditioned.

There is also a requirement for development of this type to provide a 20% reduction in CO2 emissions through the use of renewables. Whilst a feasibility study has been conducted, this has not been submitted. The applicant states it is likely that PV or solar hot water heating will be used. Renewables should be considered as early as possible to ensure that they are fully integrated into the design of the development and able to achieve satisfactory carbon savings. A condition requiring on site renewables is recommended.

SCC Environmental Health (Contamination)

No objections raised subject to the imposition of conditions relating to land contamination investigations taking place prior to the commencement of works.

SCC Environmental Health (Pollution & Safety)

No objections raised subject to the imposition of conditions relating to a construction plan, appropriate soundproof glazing, control of the hours of work on site and ensuring no bonfires take place on site.

SCC Ecologist

No objection raised. The building is flat roofed with no obvious entry point for bats. As a result there is a low probability that bats will be roosting in the building. The remainder of the site has little or no biodiversity value. The site has minimal biodiversity value and as a consequence the proposed development will not have an adverse impact on local wildlife.

Trees

No objection raised, subject to the imposition of conditions to ensure that no construction goods shall be stored under the tree canopy located on Shirley Avenue and to ensure that the overhanging trees adjacent to the site shall not be pruned or felled unless otherwise agreed in writing by the local planning authority.

Archaeology

No objections raised subject to the imposition of an Archaeological structure-recording and archaeological work programme conditions.

Planning Consideration Key Issues

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

- i. The principle of development
- ii. Design, density & impact on established character;
- iii. Residential amenity;
- iv. Highways and parking

The principle of development

The site is part of a defined shopping centre (secondary retail frontage). Whereas no retail use has been proposed for the ground floor of the new building, it is recognised that the main focus for retail activity is Shirley Road and the immediate return into Shirley Avenue. Those elements are outside the application site. Less retail (storage) space on the application site is not considered harmful to the overall vitality and viability of the entire defined shopping centre.

This technical failure to meet policy RE14 is therefore not considered to justify a refusal, which is consistent with the approach taken when refusing 09/01268/FUL. Also, policy CS3 does not contain any specific prohibition of non-retail uses at ground floor level but rather focuses on how proposals would affect the vitality and viability of the defined Shirley Town Centre as a whole.

Residential development is considered acceptable in principle and will reinforce the predominant character of Shirley Avenue.

Density, design & impact on established character

This application proposes a development that maximises the potential of this previously developed land. The proposed density accords with the minimum density requirements identified by adopted Core Strategy Policy CS5 (Housing Density) and paragraph 3.2.5 of the Residential Design Guide.

Following the previous refusal on this site, the design of the development has been amended to provide a better transition between the 2 storey dwellings of Shirley Avenue and the three storey corner building which is to be retained.

The proportions of the building have been improved, providing better articulation within the front elevation of the building through gable features and recessed balconies. The articulation of the elevations reduces the overall bulk and massing of the development, improving its appearance within the street scene and its relationship with neighbouring dwellings.

The development covers 58% of the site, a reduction in 2% from the previous scheme. Whilst the footprint of the building is not greatly reduced, the scale and massing of the building and its layout has been altered to provide a better residential environment and to better relate to the context and character of the surrounding street scene. As such, it is judged that the proposed design makes efficient use of the site whilst avoiding overdevelopment.

The development has been designed to address Shirley Avenue with primary accesses providing an active frontage to the scheme. Sufficient measures have been taken to ensure that entrances are safe and well surveyed. A planting buffer is proposed to the front of the site to provide a defensible space between ground floor habitable rooms on the front elevation and the highway.

In accordance with policy CS16 of the adopted Core Strategy 3 x three bedroom units (each enjoying its own private garden) are provided on the ground floor of the development. The provision of these units overcomes the reason for refusal 3 on the previous application and provides a suitable provision of family homes on the site. Overall the scheme provides a good mix of unit sizes and will make a positive contribution to the city's housing stock.

The proposed scheme has sufficiently addressed the councils previous concerns with regards to design and layout of the site and it is considered that it will improve the character and appearance of this site, which at present is inactive and appears rundown in accordance with policies SDP1, SDP7, SDP9 and H2 of the Local Plan Review [March 2006] and CS5 and CS13 of the adopted Core Strategy [January 2010].

Residential Amenity

All the residential standards are achieved to at least minimum standards. Outlook, privacy and light and provided for the proposed dwellings and retained to an appropriate standard for all neighbouring dwellings. On average there is 20sqm of amenity space available per unit. While this is not split evenly, each unit has access to a balcony and/or private amenity area as well as the use of the communal courtyard areas. The 3 x three bed units all have direct access to private amenity space of 20sqm or more. Given the site's city centre location the amount of amenity space provided accords with policy and will provide a good standard of residential environment for occupants of the site.

Privacy and outlook distances are successfully achieved. The development has been sensitively designed so as not to overlook any existing neighbours or units within the building itself.

It is not considered that the proposed development will lead to any adverse impact on the surrounding properties in terms of overshadowing, loss of outlook or loss of privacy. As such the application is considered to address the requirements of adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006) and policy CS13 of the adopted Core Strategy.

Highways and Parking

Given the site's high accessibility location a car free scheme accords with policy SDP5 (Appendix 1).

Appropriate cycle and refuse storage has been provided for future occupants of the site in accordance with policy SDP5 (Appendix 2) of the adopted City of Southampton Local Plan Review, CS19 of the adopted Core Strategy and paragraphs 5.3 and 9.22 – 9.2.6 of the Residential Design Guide.

S.106 Legal Agreement

In the event of the recommendation is supported the applicants have agreed to enter into a S.106 Legal Agreement with the council in order to secure contributions towards transport, open space and public realm improvements that mitigate the development's direct impacts.

Summary

The scheme is wholly affordable (over and above the 20% Core Strategy requirement), it will be constructed to a Code for Sustainable Homes Level 3 and will enhance this currently vacant site.

This application offers a good mix of affordable family housing. The site is accessible to good public transport links and the consideration of density should follow that of good urban design. On that basis the relatively high density is not considered to be unduly harmful and, on balance, therefore, the scheme is considered to respect the character, appearance, density and overall scale of the surrounding residential area and mitigates against its direct impacts.

Conclusion

This application has been assessed as being acceptable to residential amenity and its local context. The application is recommended for conditional approval subject to a S.106 legal agreement being completed.

Corporate Awareness Considerations

The planning assessment made on this planning application proposal has taken into account the relative importance of Council initiatives and corporate aims as considered appropriate to the formulation of the recommendation reached. The recommendation is considered to accord with the wider aims and objectives of the councils agenda.

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 (c), 2 (d), 2 (e), 4(s), 5 (e), 6(a), 6(c), 6(h), 7 (a), 7(c),7 (f), 7 (m)
8(a), 9(a) and 9(b)

(BG 11/05/2010 for 25/05/2010 PROW Panel)

Recommended 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 - Amenity Space Access [Pre-Occupation Condition]

The refuse store, cycle store and common amenity space (separate from individual private gardens) serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of all the flat units.

REASON:

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

03. APPROVAL CONDITION - Landscaping detailed plan [Pre-Commencement Condition]

Before the commencement of any site works 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, means of enclosure, lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

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.

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 scene 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 - Stopping up existing access [Pre-Occupation Condition]

Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

Reason:

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

08. 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.

09. 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.

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

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

Reason:

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

11. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified Code For Sustainable Homes certification body.

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). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009) – CSH has since replaced Eco Homes for new build developments.

12. APPROVAL CONDITION - Renewable Energy - Micro-Renewables (Pre-Commencement Condition)

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [of at least 12.5%] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [by at least 12.5%] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009)

The condition shall need to be adjusted depending on the development type. Please refer to Policy CS20.

13. 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 Shirley Road and Shirley 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.

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

Prior to the commencement of any development a written construction environment management plan and waste 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.

15. 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.

16. APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

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

17. APPROVAL CONDITION - Details & samples of building materials to be used [Pre-Commencement Condition]

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (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.

18. Approval Condition – Foul and Surface Water Disposal - [Pre-commencement condition]

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved by the local planning authority. Once approved the development shall be implemented in accordance with the agreed details and thereafter retained and maintained at all times.

Reason

To ensure appropriate connection with the foul drainage system and drainage provision.

19. 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.

20. APPROVAL CONDITION - Archaeological structure-recording [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of recording 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 recording of a significant structure is initiated at an appropriate point in development procedure.

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The site is part of a defined shopping centre (secondary retail frontage). Whereas no retail use has been proposed for the ground floor of the new building, it is recognised that the main focus for retail activity is Shirley Road and the immediate return into Shirley Avenue. Those elements are outside the application site. Less retail (storage) space on the application site is not considered harmful to the overall vitality and viability of the entire defined shopping centre. This technical failure to meet policy REI4 is therefore not considered to justify a refusal. Other material considerations including the design, impact on the residential amenity of neighbouring dwellings and highway safety issues 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 therefore be granted.

Saved Policies - SDP1(i), SDP5, SDP7 (iv) (v), SDP9 (v) H2 (ii) (iii) (vii), CLT5, CLT6 and REI4 of the City of Southampton Local Plan Review (March 2006).

CS5, CS13 (11) (12), CS15, CS16, CS19, CS20, CS25 of the adopted Core Strategy (January 2010).

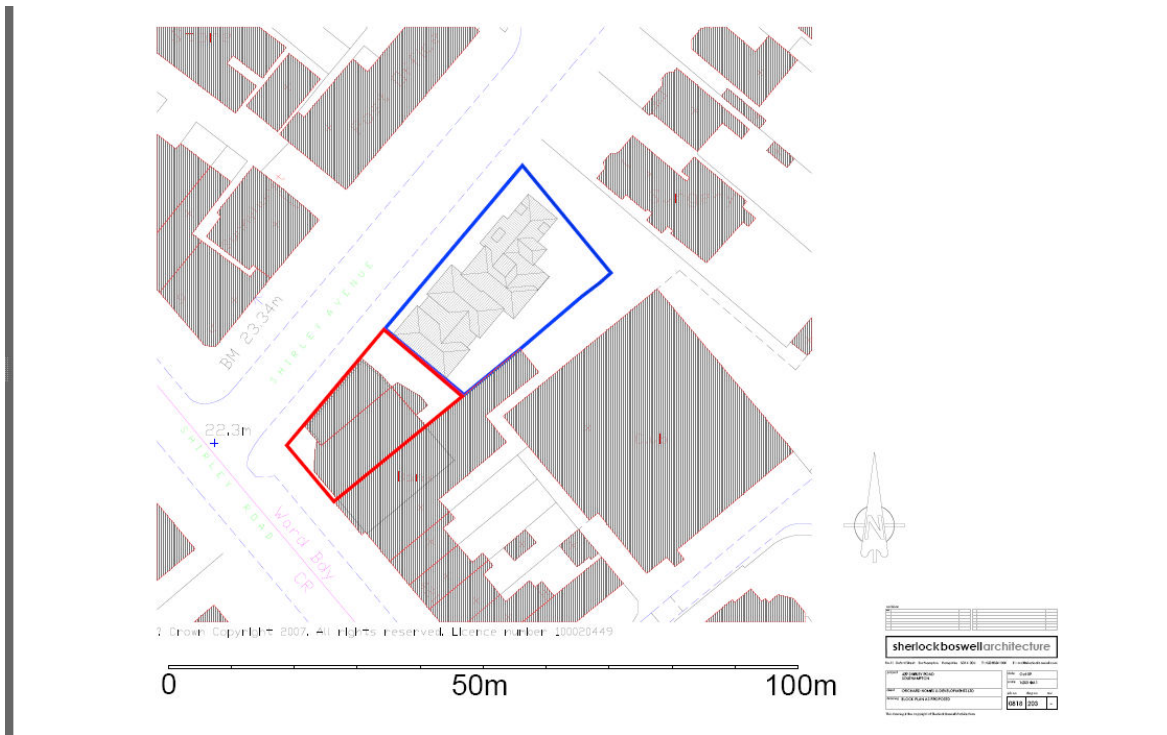
Note to Applicant - Pre-Commencement Conditions

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.

Informative:-

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for development please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, So23 9EH (01962 858688) or southernwater.co.uk.

09/01269/FUL - Single storey extension to the side and rear to facilitate change of use from shop (Class A1) to bar (Class A4) and conversion of 1st and 2nd floors into 4 x 2-bedroom flats with associated parking, cycle/refuse storage and roof gardens – REFUSED - 03.02.2010.



POLICY CONTEXT

The application needs to be assessed in the light of the following local planning policies.

City of Southampton Local Plan Review- Adopted Version March 2006

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Context
SDP9	Scale, massing and appearance
H1 (iii)	Housing Supply
H2	Previously Developed Land
H7	Residential Environment
CLT 5	Open Space
CLT6	Children's play space
REI 4	Secondary retail frontage

Core Strategy – Adopted January 2010

CS3	Town, district and local centres, community hubs and community facilities.
CS5	Housing Density
CS13	Fundamentals of design
CS16	Housing Mix and Type
CS19	Car and Cycle Parking
CS20	Tackling and adapting to climate change
CS25	The delivery of infrastructure and developer contributions

Supplementary Planning Guidance

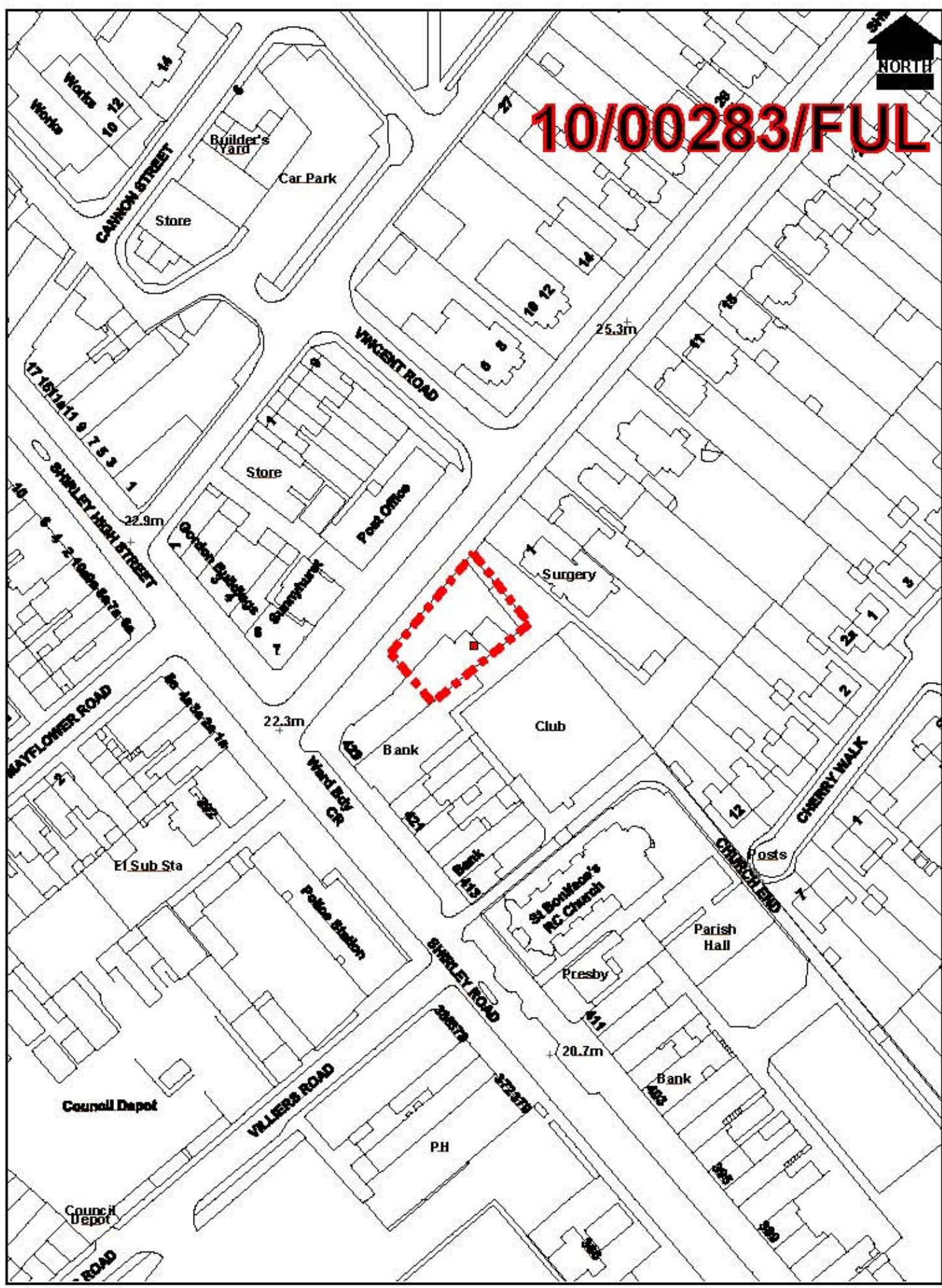
Residential Design Guide (September 2006)
Planning Obligations (August 2005)

Other relevant guidance

PPS1 – Sustainable Development
PPS 3 – Housing
PPS6 – Planning for town centres
PPG13 – Transport
PPG17 – Planning for open space, sport and recreation
PPG24 – Planning and noise



10/00283/FUL



Scale : 1:1250

Date : 13 May 2010

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Land R/O 429 Shirley Road

