

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 31 August 2010  
 Planning Application Report of the Planning and Development Manager

**Application address:**  
 Rosebank Cottage and land adjoining, including part of former playing fields, Studland Road Southampton SO16 9BB

**Proposed development:**  
 Re-development of the site. Demolition of Rosebank Cottage and erection of 31 dwellings (12 x two-bedroom flats, 7 x two-bedroom houses, 10 x three bedroom houses and 2 x 4 bedroom houses) with associated access and parking, includes closure of part of the public highway in Studland Road (Outline application seeking approval for access, layout and scale).

Application number	10/00565/R3OL	Application type	Q07 - Small scale major dwellings
Case officer	Steve Lawrence	Public speaking time	15 minutes

<b>Applicant:</b> Southampton City Council	<b>Agent:</b> Capita Symonds, FAO Mrs A Mew
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant outline planning permission subject to criteria listed in report</b>
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<b>Appendix attached</b>			
1	Development Plan policies/planning guidance		

**Reason for granting deemed Outline Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. In visual terms the proposals will bring improvements to the Studland Road streetscene and provide a good choice and mix of general needs, affordable and family housing in an area otherwise dominated by public housing.

Notwithstanding the re-publishing of PPS3, revising the definition of previously developed land to exclude private garden land, the loss of Rose Cottage is deemed acceptable in terms of the overall planning benefits of the proposals, efficient use of urban land and improvement to the character of the area.

That element of the site previously used as a playing field, but not within the last five years, will be mitigated for through a financial contribution to improve public open space locally and this decision is taken in the knowledge that mitigation is also being secured through the partial demolition of the Old Redbridge Primary School on Redbridge Road, with reinstatement of land to create an additional new adult football pitch and informal sport training grids as an extension to the playing field to the adjoining Redbridge Community School in Cuckmere Lane, which already allows for public use of those facilities.

The relationship of the development layout in terms of existing flats at 48 to 130 Cuckmere Lane would be mitigated for in terms of existing and proposed tree planting, to ensure that

occupants of dwellings closest to those other flats would enjoy a reasonable level of amenity and privacy.

Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 deemed Outline Planning Permission should therefore be granted.

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP21, SDP22, NE4, HE6, CLT3, CLT5, CLT6, H1, H2, H3, H6 and H7 of the City of Southampton Local Plan Review ( March 2006) as supported by the City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS23 and CS25.

### **Recommendation in Full**

- (1) That approval be given for the stopping up of that piece of public highway in Studland Road forming the existing site access under Section 257 of the Town and Country Planning Act necessary to allow the development to proceed; and,
- (2) 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 contributions for highway 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 projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
  - iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT3, CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policies CS21 CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended), to mitigate for the loss of that part of the site which is currently protected open space:-
    - Amenity Open Space (“open space”);
    - Playing Field;
    - Play space/equipment;
  - iv. The provision of 35% of the dwellings as affordable housing, in accordance with Policy CS15 of the adopted LDF Core Strategy (2010);
  - v. 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.

In the event that the legal agreement is not completed by *30 November 2010* the Head of Planning & Sustainability be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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

1.1 This broadly rectangular 0.534 ha site, has a frontage of 40m and average length of 128m. The site comprises 3 parcels of land, two in the City Council’s ownership and the

central part privately owned. That private owner has entered into an agreement to develop the whole site and share any capital receipt from the sale of the land. The front (east) part of the site is a hoarded/secured former works compound. The central part is occupied by a two-storey, detached house – Rose Cottage. The final (western) third part of the site is landlocked by the other two parts and used to form part of a former larger playing field, but still enjoys vehicular access to Studland Road. This (0.35ha – almost 66%) part of the site is shown as protected open space on the Proposals Map of the Local Plan Review, but the remainder of the application site is unallocated. There are a number of trees on the site, which are covered by a Tree Preservation Order. Site boundaries are mostly 1.8m high chain-link/post fenced and/or planted.

1.2 The site is located within an area of medium accessibility (Band 3 on the PTAL map), within an established residential estate. Housing in the area continues to be mainly publically owned and ranges in scale between two-storeys (houses opposite the eastern boundary), to four storeys (deck access flats beyond the southern boundary in Cuckmere Lane. A much taller, 20-storey block of flats (Redbridge Towers) exists at the western end of Cuckmere Lane.

1.3 A secondary school exists beyond the Cuckmere Lane flats and the predominantly single storey new Redbridge Primary School adjoins to the north, whose closest building is set some 13m off the application site boundary. This new school's grounds and playing field abut the application site's northern and western boundaries.

## **2. Proposal**

2.1 Outline permission is sought for a residential redevelopment where access, layout and scale are listed for consideration. The existing Rose Cottage 2-storey dwelling would be demolished and 9 trees would be felled to enable the development to proceed. 66 new trees are proposed to replace those lost.

2.2 31 housing units are proposed, yielding a density of 58 dwellings per hectare. The development mix would be 12x2 bed flats in three, 3-storey blocks with the remainder being 2-storey houses (7xtwo/10xthree/2xfour-bedrooms).

2.3 The development would gain access via a new junction with Studland Road at the north-east corner of the site, with the existing access point stopped up. The development would be serviced via a single, shared-surface, cul-de-sac (designed to 'home-zone' criteria for public adoption) and the developer has demonstrated that a SCC standard refuse cart could gain access to all parts of the site, turn and leave the site in a forward gear. Car parking is proposed at a 1:1 ratio, mostly in curtilage or carefully designed as part of the carriageway. External bicycle and refuse storage facilities are indicated on the site layout plan submitted. The carriageway has been carefully designed to weave through the site, creating a varying vista of built form as one moves through the site, whilst also placing the pedestrian first above vehicular movement

2.4 Originally submitted as 36 dwellings, the proposals have been reduced down to 31 to take account of the Trees Team advice that existing and proposed trees on the southern boundary would be otherwise be likely to have caused excessive shading, unsatisfactory levels of natural light and thereby pressure to fell/top trees protected by a Preservation Order.

## **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.** The primary policy considerations here relate to part of the site be allocated as protected open space, the need to secure a reasonable density and car parking provision related to the site's accessibility and the recent change to the definition of previously developed land in Planning Policy Statement 3 (Housing), to exclude private garden land, tempered against the positive contribution the development could have to contribute to the character of the area and mix/type of housing choice to residents of Southampton, in terms of affordability and whether such new dwellings are suitable for families, with access to private amenity space.

3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

3.3 PPS3 Housing (2010): On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government's Planning Policy Statement on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.

3.4 The revised PPS3 maintains that the priority for development should be PDL (Paragraph 36 refers).

3.5 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate that the city has a housing supply from identified sites sufficient to meet requirements until and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council's current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed "garden grab").

3.6 That said, the revised PPS3 maintains that the planning system should provide "*a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate*" (Paragraph 10 refers). The national annual target that "*at least 60 per cent of new housing should be provided on previously developed land*" remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.

3.7 It is the view of the Council's Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm *inter alia* to the character and appearance of an area. The judgement as to whether such proposals are acceptable will need to consider, amongst other factors:

- the loss of private residential garden land;
- the contribution the land currently makes to the character of the area;
- the impact on the defined character of the area; and,
- the contribution that the scheme makes to meeting housing need.

3.8 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).

## **4.0 Relevant Planning History**

4.1 On the appointed day, the site formed part of the recreation ground to the Southern Gas Board. Following the refusal of permission to develop the whole playing field for housing in 1959 under reference 5750/1150/E (loss of playing fields/part of site required for construction of M271), the Minister of Housing and Local Government did confirm a Certificate of Alternative Development purely for residential purposes (27/9/60) after an Appeal was lodged, on the basis of the Council not acquiring the site. The City Council then purchased the site for use by the (then) Education department as playing fields. The wider site was last used as formal playing fields some 9 years ago.

4.2 Deemed planning permission was granted 26.01.2009 under reference 08/01517/R3CFL for the development of the adjoining land as a new Primary School. That has been implemented.

4.3 A minor rear extension was given planning permission at Rose Cottage in 1976 and was built out.

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement advertising the proposals represent (in part) a departure from the Development Plan, and erecting a site notice. At the time of writing the report 1 objection has been received from the tenants of Rosebank Cottage on the following grounds:-

### **5.1.1 Principle**

- The area does not need a new development and suffers from high rates of crime

#### **Response:**

This site has been identified within the City Council's Strategic Housing Land Availability Assessment as having potential to help meet some of the council's housing need for the next five years, subject to open space mitigation. The development offers the opportunity to improve the appearance of the site – especially the frontage to Studland Road – whilst providing affordable, family housing. Being in receipt of an application, the local planning authority is duty bound to consider its merits and issue a decision. It is possible to 'Secure by design' and the layout incorporates the principles of natural surveillance. The agent has confirmed in writing the intention to erect stout means of enclosure to site boundaries.

### **5.1.1 Layout**

- Occupiers of the block of flats by the site entrance will be burdened by traffic noise and other occupiers 'in the small section of Studland Road to be closed off' will also suffer.

#### **Response:**

No objections have been received from the Pollution and Safety Team and if needs be this matter could be controlled through a planning condition if Members are minded to add an additional condition to the recommendation. Officers are not aware of any scheme to stop-up Studland Road at some point along its length, but aspire to introduce a 20mph zone close to the new primary school. The volume of vehicular traffic associated with this development is unlikely to adversely affect the amenities of existing residents by reason of noise.

- Occupiers of the development would be overlooked by Redbridge Towers.

Response:

Redbridge Towers, at 20 storeys high, would have commanding views of the site, just as it does of other housing close by. But being positioned 85m away from the closest boundary of the site, no objection on grounds of unsatisfactory living conditions for future occupiers can be sustained.

- Two schools and a playing field are located close by.

Response:

This is seen as a positive feature for a scheme that promotes a high degree of family housing and will enable children to walk to school. No adverse noise issues are anticipated locating housing next to a school and through careful design and boundary tree planting, the new housing should not intrusively overlook the primary school and its grounds (advocated through paragraphs 17 (ii) and 20 (vii) of Planning Policy Guidance Note 17 - Planning for open space, sport and recreation.

### 5.1.2 Housing need

- **One of the tenants has severe health problems which have rendered her disabled for the last two years. Rose Cottage has provided tranquillity and respite from her illness. The prospect of moving is aggravating her condition. The Council appears to be acting in concert with their landlord to force them to move.**

Response:

Having met Mrs Baker, the case officer has deep sympathy for her condition and realises fully that placing additional stress on her is not helping her health. The Bakers have had formal Notice to quit served upon them by their landlord and consider they have been badly mis-led by him, as they would not have rented the property had they known his aspiration to develop the land. Ultimately, the arrangements between the Bakers and their landlord is a wholly private matter and I am advised that the Bakers still are listed as tenants at a Council property, which is capable of adaptation, but to which they do not wish to return owing to severe difficulties, stress and trauma they experienced with a neighbour. The current guarantor of their rent has verbally offered to rent a bungalow in Wimpson Lane to the Bakers, subject to him purchasing it. Until such time as they are able to move, the Council's Housing Service considers it has offered what it can to re-accommodate the Bakers. The Council has every right to manage its land holdings and enter into agreements with private landowners to seek to dispose of land jointly for redevelopment. The local planning authority sits separately from its duties as a land owner and will carefully consider the planning merits of the scheme before it.

5.2 **SCC Highways** – consider the site to be within a zone of low accessibility (It is actually located in a zone of medium accessibility based upon the PTAL Map). Where bins are to be stored at the front of dwellings, then enclosed, secure stores should be provided for visual amenity reasons and security. Bicycles should be able to be accessed without dragging the cycles through the house/flat. During wet weather, it would not be ideal for muddy cycles to be carried through the house therefore such arrangements would discourage the use of sustainable methods of transport. A number of planning conditions are recommended.

5.3 **SCC Housing** – Require Affordable housing to be secured through the planning agreement to the 35% required under Core Strategy Policy CS15.

5.4 **SCC Sustainability Team** - Sustainability must be considered at the earliest design stages as site orientation, space for SUDS, renewables etc may depend on the site layout. The development will be required to meet Code Level 3 and 20% renewables reserved by conditions.

5.5 **SCC Environmental Health (Pollution & Safety)** – Suggest two planning conditions to control hours of construction and to prevent bonfires during site clearance and construction.

5.6 **SCC Environmental Health (Contaminated Land)** – Recommend 3 planning conditions to ensure that the site is free of prescribed contaminants prior to its re-occupation for residential use.

5.7 **SCC Trees Team** – The proposal will result in the removal of 9 semi-mature in the centre of the site, whose retention would seriously compromise the development of the site. As the trees are set back from Studland Road their loss would not have a major impact on the visual amenity of the area. No objection is raised to their removal providing replacement planting is conditioned.

Response: The scheme has been adjusted to have regard to the comments.

5.8 **SCC Architect's Panel** –

5.8.1 This scheme has had a long gestation pre-application discussions going back to January 2009 and the Architect's Panel has commented three times on evolving proposals - 4.2.09, 6.5.09 and 2.12.09.

5.8.2 Initially, criticism was made of earlier layout options that they were too car dominated and did not follow the guidance of the Residential Design Guide, where some gardens initially looked too small. There should be some built form 'presence' when entering this cul-de-sac, rather than seeing areas of car parking defining character of the street. The relationship to flats in Cuckmere Lane was also queried and that it would perhaps be better to consider the two sites together to achieve some symbiosis between them, including some form of access linking the two schemes. There was a need to ensure the flats did not intrusively overlook the gardens of houses. Built form ought not to be positioned too close to tree canopies. Integral car ports whereby the vehicle is half exposed were frowned upon.

Response: Issues of connectivity with the Cuckmere Lane flats have been investigated, but were considered to be premature to the Estates Regeneration programme, which has not yet considered options for Cuckmere Lane. Some opportunity would still exist to provide connectivity between the open space midway along the southern boundary between the 48-74 and 76-102 blocks in Cuckmere Lane to offer limited pedestrian and cyclist permeability to more conveniently access the Redbridge Community School. This is a matter a developer may wish to pursue at the Reserved Matters stage. The scheme now has a sinuous shared surface giving access and opening up views of the built form that defines the space and car parking has been carefully positioned so as not to overdominate the character of the street. The reduced density to 31 dwellings has ensured that there is generous provision of private amenity space.

**5.9 Hampshire Constabulary** – The area suffers from significant non-dwelling burglary. Refuse alleys need securing. Secure boundary treatment will be required. Criticism of recessed garden access between plots 5 and 6. Gable ends should include windows to provide natural surveillance of parking areas. Cycle parking to flats appears vulnerable. The development should achieve ‘Secured by Design’ standards.

Response: The agent has responded to these comments and has adjusted the layout of the scheme. Being in outline, matters such as means of enclosure are to be reserved by condition, but it is intended that robust site and plot boundary treatments form part of the eventual development. Refuse alleys can be gated to make them secure. The design logic for flats’ cycle parking is to offer natural surveillance of their use and where possible windows will be incorporated to gable ends to enhance that.

**5.10 Southern Water** – Formal connection to the public sewer will be required. An informative is suggested to draw the developer’s attention to that. Whereas the use of sustainable urban drainage systems is suggested by the applicant, these usually involve significant land take: it is not clear in the current layout what is proposed in terms of SUDS or how they might be accommodated. As SUDS rely on facilities not adoptable by sewerage undertakers, their long term maintenance would need to be secured in perpetuity. It would be imperative to ensure and surface water drains do not become flooded and inundate the foul sewerage system. It is suggested this matter be conditioned, to particularly secure on-going maintenance for the lifetime of the development.

**5.11 Sport England** – the site is not considered to form part of a playing field, nor been used as such in the last 5 years. SE is aware of proposals to mitigate for the loss of open space caused by the building of the new adjoining primary school by replacement open space adjoining the Redbridge Community School. The offer by the applicant to make a financial contribution to enhance recreation facilities locally is noted, meeting objectives 6 and 8 of their policy statement. No objection is raised to the proposed development.

## **6.0 Planning Consideration Key Issues**

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

- Principle of development;
- Loss of protected open space;
- Loss of private garden land associated with the demolition of Rose Cottage;
- Density, scale and layout;
- Impact to protected trees;
- Improvements to infrastructure to be secured through a planning agreement.

### **6.3 Principle of Development**

6.3.1 Located within a predominantly residential area, the principle of further residential development has already been accepted as early as 1960, when the (then) Minister for Housing and Local Government granted a Certificate of Alternative Development for land including this application site.

### **6.4 Loss of protected open space**

6.4.1 The proposal would result in the loss of protected open space (Policy CLT3 Studland Road Playing Fields). From a Planning Policy perspective this is a key consideration for the application. The open space will be replaced/reconfigured elsewhere as part of a strategic approach to open space in the city.



6.4.2 The principles set out in PPG17, the adopted South East Plan (Policy CC8), and the recent Consultation Paper on new PPS Planning for a Natural and Healthy Environment take a specific approach to safeguarding open space. Policy NE9 of the PPS consultation on the new PPS states that proposals which would result in a loss of open space are to be refused unless the space is surplus as shown in an open space audit. Local authorities should avoid any erosion of recreational function and maintain or enhance the character of open spaces.

6.4.3 The Council undertook an audit of its Open Spaces in 2007 as part of the requirements under PPG17, and this identified an overall under provision of open space in the city. The Council's subsequent Green Spaces Strategy was adopted by Cabinet in October 2008 and forms part of the Evidence Base used in the production of the Core Strategy.

6.4.4 Policy CS21 of the Adopted Core Strategy (as revised and strengthened by the Inspector in relation to loss of open space) makes it clear that the Council is committed to retaining the quantity and improving the quality of open space on an overall basis (para 4.143). The Inspector took the view that the Council needs to -

- (i) address the current shortfall in various types of open space by helping to deliver new open space, and
- (ii) safeguard against the net loss of public open space through redevelopment.

6.4.5 The Inspector's report gives very clear direction that, with respect to the provision of open space, the Council should be safeguarding existing provision and achieving more (para 4.143). At the same time he encouraged the Council to develop a city-wide approach to the provision of open space by accepting that some redevelopment schemes might result in a small loss but improved quality, whilst other projects should provide net gains in the amount of open space that more than match in overall terms (para 4.143).

6.4.6 Additionally, the recent Strategic Housing Land Availability Assessment provided a clear steer away from development on protected open space:

In an urban area such as Southampton all sites (apart from those covered by specific designations) are considered, in principle, suitable for residential development. This means that unless the site is designated or protected for another use, i.e. open space, employment, operational port land then it is likely to be suitable for housing (Paragraph 11.1)

6.4.7 At the same time, Policy CS21 (criterion 2) does allow for reconfiguration of open spaces in order to achieve wider community benefits such as improving the quality of open space. In this case the proposed development of Redbridge Primary School on the Studland Road playing fields would be an example of that.

6.4.8 New open space is being achieved at the site of the former Redbridge Primary School, Redbridge Road, which is reasonably accessible from the site by foot and bicycle. The new school has provided for enhanced recreational facilities which are accessible through a community use agreement and a financial contribution made by the developer through the planning agreement can either be used to achieve improvements at Mansel Park or helping to fund the improvements at the old school site. Overall mitigation by improved recreational facilities would be achieved and Sport England does not object to the proposals.

## 6.5 Loss of private garden land associated with the demolition of Rose Cottage

6.5.1 Whilst Rose Cottage has an attractive secluded garden, the wider benefits of meeting housing targets, being that this application site has been considered as part of the Strategic Housing Land Availability Assessment cannot be overlooked. Being secluded and set back from Studland Road, the site makes little appreciable contribution to the character of the area and the surrounding open space of the school grounds. The loss of this garden would be compensated for by the creation of a shared open space within the development and overall the development represents an opportunity to improve the character and appearance of the area.

## 6.6 Density, scale and layout

6.6.1 The density is suitable for an area of medium accessibility and pays regard to retaining as many existing trees as possible. At two and three storeys in scale, the height of the development would comfortably be assimilated into the area, with causing enclosure or being overbearing to its neighbours. The layout has had a long period of gestation and has received the scrutiny of the Architects Panel on three occasions. Whilst the site is difficult to develop being long and narrow, its redevelopment with the adjoining flats in Cuckmere Lane as part of Estate Regeneration would have been an easier design proposition. Perhaps that may still occur.

6.6.2 In summary though, the layout of the scheme has evolved to a position of Officer support whereby a long-cul-de-sac has at least been carefully designed to give priority to the pedestrian in terms of movement and that buildings now define the spaces rather than vehicular movement. Amendments initiated by the Trees Team comments will ensure tree cover gives privacy as well as allowing adequate light penetration into and outlook from new dwellings

## 6.7 Impact to protected trees

6.7.1 Tree loss has been kept to a minimum and 66 new trees are proposed to be planted. Overall, that potential to improve the amenity and biodiversity of the area is felt worthy of support.

## 6.8 Improvements to infrastructure to be secured through a planning agreement

6.8.1 Mitigation for the loss of protected Open Space will be secured through a financial contribution from the developer, as will other contributions meets highways aims and objectives. Affordable housing is being provided to the required percentage.

## 7.0 Conclusion

7.1 The principle of developing the site for two and three storey housing, served by a single new access of Studland Road is considered acceptable.

## Local Government (Access to Information) Act 1985

### Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 2(c), 2(d), 2(e), 4(s), 6(a), 6(c), 6(d), 6(h), 6(g), 6(k), 7(a), 7(m), 7(v), 8(a), 9(a), 9(b) and PPS3 (2010)

**SL 16.8.2010 for 31/8/2010 PROW Panel**

## **PLANNING CONDITIONS**

### 01. Commencement

The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matter to be approved, whichever is the later.

#### Reason

To comply with S.92 of the Town and Country Planning Act 1990 (as amended).

### 02. Submission of Reserved Matters

Application for the approval of reserved matters specified in Condition 03 below shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

#### Reason

To comply with S.92 of the Town and Country Planning Act 1990 (as amended).

### 03. Reserved Matters

(A) Details of hard and soft LANDSCAPING (RESERVED MATTER) shall be submitted to the local planning authority for its approval in writing. Such scheme shall particularly indicate how incidental areas of open space within the development that are not to be included in the curtilage of dwellings shall be laid out and who shall have the responsibility of their maintenance and upkeep. The scheme shall include all hard surface treatments and the plant/tree species and their density at planting to be used, along with a schedule of how the scheme is to be maintained. A minimum of sixty-six trees shall be planted as part of the submitted details, particularly to the southern boundary of the plots numbered 20-31 on drawing AL002 Rev E. All hard surfacing works, including new footways shall be completed before any part of the building is first brought into use. Once approved by the local planning authority, the submitted planting and drainage scheme shall be fully implemented before any part of the development is first occupied, unless any alternative timescale for implementation is first agreed in correspondence with the local planning authority, and thereafter maintained in accordance with the approved maintenance schedule. Any trees, shrubs, seeded or turfed areas which, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, shall be replaced by the developer in the next planting season with others of a similar size and species.

(B) Elevational details of the APPEARANCE (RESERVED MATTER) of all buildings – including structures within private gardens of the curtilage of any dwelling for the storage, recycling and disposal of refuse, the storage of bicycles and any means of enclosure to the site boundaries and separating the individual residential plots shown on the approved layout plan AL002 Rev E. In particular, purpose built refuse enclosures shall be constructed where refuse is to be stored at the front of dwellings. Those landlocked private gardens to dwellings shown with integral car parking shall be so designed to allow a bicycle to be brought from the street, through the integral garage and to the garden bike store. Such details shall include a schedule of external facing materials listing manufacturers and product details. Special consideration shall be given to mitigating the potential from overlooking the adjoining school grounds by the careful design of windows above ground floor level and the use of tree planting within that overall strategy. Once approved in

writing by the Local Planning Authority, the development shall be fully implemented in accordance with the approved details.

#### Reason

In order to secure a high quality form of development, to achieve a satisfactory outlook and privacy to all occupiers of the development and neighbouring residential flats in Cuckmere Lane. Also having regard to the advice of paragraphs 17 (ii) and 20 (vii) of Planning Policy Guidance Note 17 - Planning for open space, sport and recreation. To achieve habitat enhancement, contributing to the objectives of the Local Biodiversity Action Plan in compliance with SDP12 (i) and (ii) of the City of Southampton Local Plan Review (March 2006).

#### 04. No Pruning Felling Trees

No trees on the site shall be pruned/cut, felled or uprooted otherwise than have or shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced by the owners of the site with two trees of a size, species, and type, and at a location and before a date 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.

#### 05. Safeguard Trees

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations in accordance with the CBA Trees report dated June 2007. In particular, no service/utility runs shall be routed through the rootballs of the surveyed retained trees.

#### REASON

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

#### 06. Erection of Protective Fencing

No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

#### REASON

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

#### 07. No Storage of Materials Adjacent Trees

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of

chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

**REASON**

To preserve the said trees in the interests of the visual amenities and character of the locality.

**08. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]**

The external amenity space serving each dwelling or group of dwellings hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of each respective dwelling hereby approved and shall be retained with access to it at all times for the use of the respective residents to this scheme.

**REASON:**

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

**09. APPROVAL CONDITION - Land Contamination investigation and remediation**

Prior to the commencement of development (excluding the demolition phase) 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.

10. APPROVAL CONDITION - Use of uncontaminated soils and fill

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.

11. APPROVAL CONDITION - Unsuspected Contamination

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

12. Demolition

The existing buildings on site shall be demolished with all resultant materials removed from the site before works on the development hereby approved is first commenced.

REASON:

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

13. 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.

14. PERFORMANCE CONDITION - Deliveries restriction

No deliveries of construction materials or equipment or removal of demolition materials shall take place between the following times Mondays to Fridays - 08.30 to 09.15 hours and 14.30 to 15.30 hours.

## REASON

To safeguard children at the nearby Redbridge Primary school and Redbridge Community School.

### 15. 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 and protected trees on/overhanging the site.

### 16. Construction method statement

Before development commences a statement setting out the management of construction operations shall be submitted to and approved by the Local Planning Authority. The statement shall include detailed plans specifying:-

- the areas to be used for contractor's vehicle parking and plant;
- storage of building materials, and any excavated material;
- huts and all working areas;
- measures to be taken to suppress dust; and
- wheel cleaning facilities,

required for the construction of the development hereby permitted. The statement shall set out the means by which the construction operations shall be managed to conform to these requirements and the arrangements for complaints about the construction operation to be received, recorded and resolved. The development shall be implemented in accordance with the agreed statement. 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 have been cleaned.

## REASON

To protect the amenities of neighbours and the wider environment, to ensure adequate access and servicing (including a refuse cart) can be maintained to surrounding development in the immediate vicinity of the site, to prevent mud being taken onto the public highway and ensure that no undue associated congestion occurs on the surrounding highway network.

### 17. APPROVAL CONDITION - Renewable Energy - Micro-Renewables

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 20% 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 20% 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).

18. APPROVAL CONDITION - Sustainability Standards [Performance Condition]

Written documentary evidence demonstrating that the development has achieved at minimum Level 3 of the Code for Sustainable Homes for all the residential units, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent, unless otherwise agreed in correspondence by the Local Planning Authority. The evidence shall take the form of a post construction certificate as issued by a qualified BRE Assessor.

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).

19. Approval Condition – Highway design and subsequent adoption

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

(i) a specification of the type of construction proposed for the shared pedestrian vehicular surface to service the development, including all relevant horizontal cross-sections and longitudinal sections, showing existing and proposed levels together with details of street lighting, signing, any white lining and the method of disposing of surface water, to accord with 'Home Zone' design criteria and to include details of speed control measures at the entrance and within the site; and,

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

20. Refuse and recycling facilities

The refuse and waste recycling facilities detailed on the approved plans shall be fully provided before any part of the building hereby approved is first occupied. Once provided, those facilities shall be maintained at all times thereafter.

REASON:

In the interests of amenity.

21. Car parking facilities

No more than 31 car parking spaces shall be provided on site to the local planning authority's recognised minimum standard dimensions, in accordance with the approved plans. Once provided, those 31 parking spaces shall be retained on site at all times thereafter.

REASON:

In the interests of highway safety and to encourage more sustainable forms of travel.



## 22. Bicycle parking facilities

Before the development commences, the developer shall fully detail how secure, covered and enclosed bicycle parking is to be provided within the development to the Council's minimum standards of provision under Local Plan Review Policy SDP5, with details to be submitted to and approved in writing by the local planning authority. Once approved, bicycle parking facilities for a minimum of 1 allocated bicycle per dwelling and one external Sheffield hoop per flatted block (visitor cycle parking) – as close to its common entrance as possible, shall be fully provided before any associated dwelling hereby approved is first occupied. Once provided, those facilities shall be maintained at all times thereafter.

### REASON:

To promote the use of a sustainable form of travel.

## 23. 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.

## 24. 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.

## 25. APPROVAL CONDITION – Archaeological damage-assessment [Pre-Commencement Condition]

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

### Reason:

To inform and update the assessment of the threat to the archaeological deposits.

## 26. APPROVAL CONDITION – Sustainable Drainage Systems

A feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and verified in writing by the Local Planning Authority prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system 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. In the development hereby

granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

**REASON:**

To conserve valuable water resources, in compliance with policy SDP13 (vii) of the City of Southampton Local (2006) and to protect the quality of surface run-off and prevent pollution of water resources and comply with SDP21 (ii) of the City of Southampton Local Plan (2006). To prevent an increase in surface run-off and reduce flood risk in compliance with SDP21 (i) of the City of Southampton Local Plan (2006) and Code for Sustainable Homes: Category 4 - Surface Water Run-off.

**27. 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 – including the use of any Sustainable Urban drainage system which may not being offered for adoption by the sewerage undertaker - has 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 and to avoid flooding off-site/downstream.

**28. APPROVAL CONDITION – Secured By Design**

Unless otherwise agreed in correspondence by the Local Planning Authority prior to the commencement of development (excluding the demolition phase) the development shall attain a “Secured By Design” accreditation from Hampshire Constabulary with the necessary measures, including:-

- an audio-visual access control to the main entrance point of each of the blocks of flats whose doors shall be self-closing;
- the installation of self-locking gates to any private alleyway leading to back gardens;
- the enclosure of site and plot boundaries, particularly achieving 1.8m means of enclosure to back gardens and the cartilage amenity spaces to the blocks of flats,

being properly installed prior to the first occupation of any of the respective residential units hereby approved.

**REASON**

In the interests of reducing crime to an otherwise vulnerable development as requested by Hampshire Constabulary in their response to the planning application.

**NOTES TO APPLICANT**

1. A Section 106 agreement relates to this site. A full copy of the S106 legal agreement is available on the Public Register held at Southampton City Council.

2. 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.

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

4. 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 the development please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**POLICY CONTEXT**City of Southampton Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-manage-invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and enhancing open space
CS22	Promoting biodiversity and protecting habitats
CS23	Flood risk
CS25	The Delivery of Infrastructure and Developer Contributions

'Saved' policies of 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
SDP21	Water quality and drainage
SDP22	Contaminated land
NE4	Protected species
HE6	Archaeological remains
CLT3	Protection of Open Space
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
H6	Housing retention
H7	The Residential Environment

Supplementary Planning Guidance

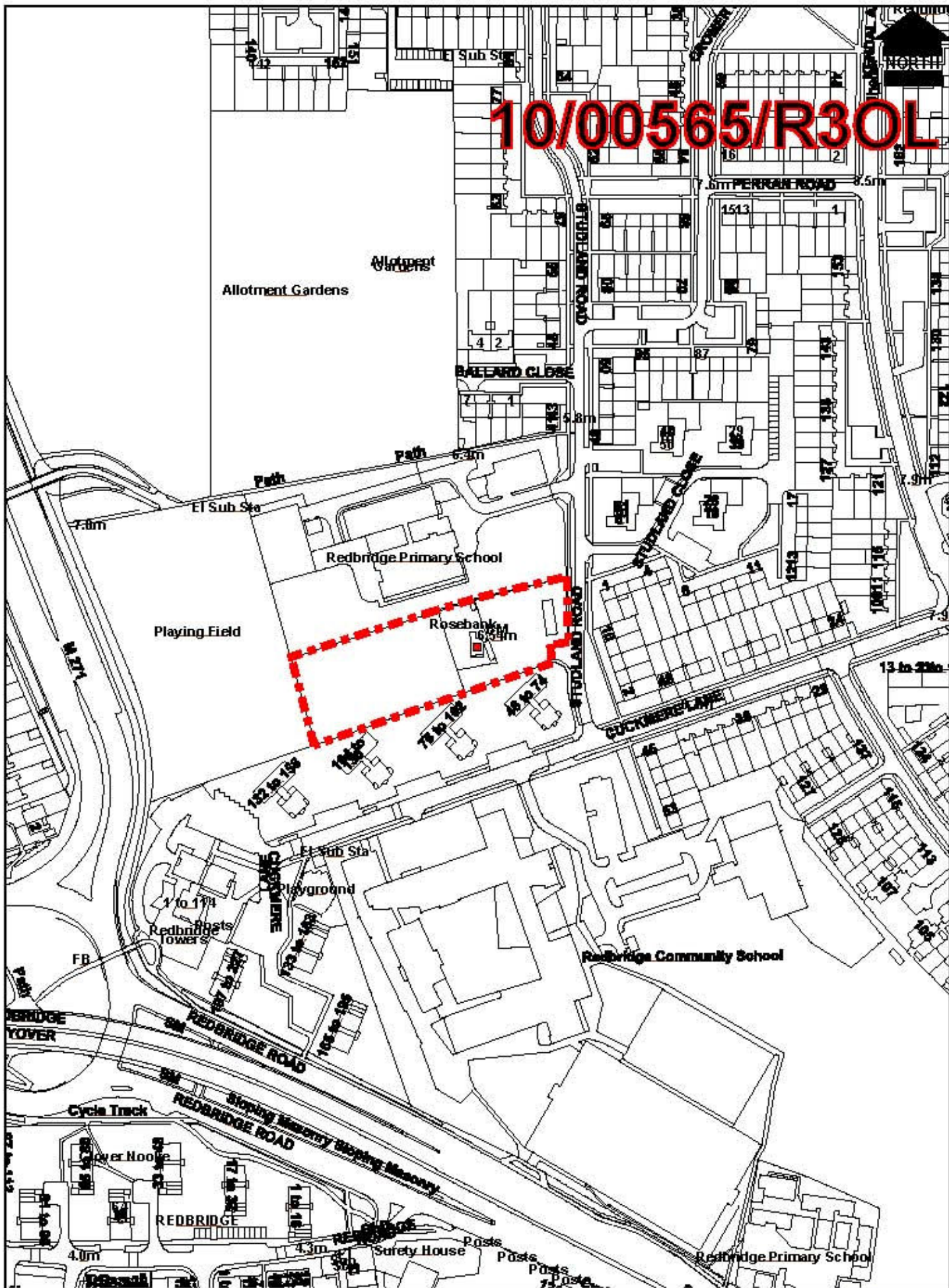
Residential Design Guide (September 2006)

Planning Obligations (August 2005 and amended November 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)
PPG13	Transport (2001)
PPG17	Planning for Open Space, Sport & Recreation (1991)
PPS23	Planning & Pollution Control (1994)

10/00565/R3OL



Scale : 1:2500

Date : 16 August 2010

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