

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 28 September 2010
 Planning Application Report of the Planning and Development Manager

Application address:			
Millbrook Clinic Helvellyn Road SO16 4AS			
Proposed development:			
Redevelopment of the site. Erection of 2-storey and 3-storey buildings to provide 12 flats (11 X 2-bedroom and 1 X 1-bedroom) and 4 X 3 bedroom houses with associated access, parking and landscaping, following demolition of the existing buildings.			
Application number	09/01305/FUL	Application type	FUL
Case officer	Andy Amery	Public speaking time	15 minutes
Last date for determination:	23 March 2010	Ward	Millbrook
Reason for Panel referral	Development affecting a right of way	Ward Councillors	Cllr Furnell Cllr Norris Cllr Wells

Applicant: The Swaythling Housing Society Ltd	Agent: Mr Harry Groucott
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in original report dated 13 April 2010 but with the re-instatement of recommendation 2 to give authorisation to enter into a footpath diversion under s257 of the Planning Act and removal of suggested condition 11 of that report.
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Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - CS3, CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 of the Core Strategy (January 2010).

Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP16, SDP17, SDP21, SDP22, NE4, CLT2, CLT5, CLT6, REI6, H1, H2, H7, H9 and H12 of the City of Southampton Local Plan Review (March 2006).

Appendix attached			
1	Development Plan Policies	2	Panel Report dated April 2010

Recommendation in Full:

1. Delegate the Head of Planning and Sustainability to grant planning permission subject to receipt of a undertaking from the Director of Neighbourhoods that contributions are put aside from the housing revenue account into the general fund to secure financial contributions towards public open space, site specific highway works and strategic transport projects. The undertaking shall also secure a highway condition survey.
2. Authorisation of the Panel be given to the Head of Planning and Sustainability to enter into a footpath diversion order under S.257 of the Planning Act should this be necessary during the demolition and construction phase of the development.

BACKGROUND

The scheme was originally brought before Panel in April 2010. At that Panel meeting the original recommendation was amended to remove the necessary authorisation for a footpath diversion order to be entered into under S.257 of the Planning Act.

This was removed at the Panel meeting in April as it was not considered to be required. However, it has now been identified that a footpath diversion will be necessary as part of the highway improvements and general layout of the scheme.

A renotification and re-advertisement has been undertaken.

1. The site and its context

1.1 As set out in Appendix 2.

2. Proposal

2.1 As set out in Appendix 2.

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**.

4.0 Relevant Planning History

4.1 None

5.0 Consultation Responses and Notification Representations

5.1 Following the consideration of the application at the April Panel the application has been re-advertised and neighbours re-notified of the need for a footpath diversion order.

No additional comments have been received.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration of this planning application are unchanged from those set out in Appendix 2.

7.0 Summary

7.1 The Panel are requested to re-instate the second part of the original recommendation of the Panel Report set out in Appendix 2 and remove condition 11 from the list of agreed conditions as demolition of the buildings has already been undertaken.

8.0 Conclusion

8.1 The scheme remains unchanged from the scheme considered in April 2010 and the existing resolution to grant planning permission should be ratified subject to the changes to the recommendation and conditions set out above.

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 (a), 2 (c), 2 (d), 3(a), 4 (c), 4 (e), 4 (g), 5 (e), 6(a), 6(c), 6(e), 6(k), 7(a), 7(g), 7 (i), 7(k), 7 (n), 7 (o), 7(u), 7 (v), 7 (w), 7 (x), 8(a), 9(a), 9(b), Draft South East Plan, City Plan Review (Adopted Version) as saved by the adopted Core Strategy (2010)

AA for 28/09/2010 PROW Panel

PLANNING CONDITIONS

Subject to deletion of Condition 11 the conditions are as set out in Appendix 2

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - Details & samples of building materials to be used [Performance Condition]

The external materials to be used on the development shall be as those stated on the approved schedule of materials unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of amenity by endeavouring to achieve built form of visual quality.

03. APPROVAL CONDITION - Code for Sustainable Homes (residential development) [Pre-Commencement Condition]

Written documentary evidence demonstrating that the development shall achieve at minimum Code Level 3 against the Code for Sustainable Homes standard shall be submitted to the Local Planning Authority and verified in writing prior to the commencement of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority. The evidence shall take the form of an interim certificate as issued by a qualified BRE Assessor. Full compliance with the condition shall only be achieved once the Local Planning Authority has received and verified in writing, written documentary evidence demonstrating that the scheme achieves at minimum a rating of Level 3 against the Code for Sustainable Home standard prior to the occupation of the development (unless a different time frame is agreed in writing). 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). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009).

04. APPROVAL CONDITION - Renewable Energy - Micro-Renewables

An assessment of the developments total energy demand and 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 approved. Renewable technologies that meet the agreed specifications must be installed and made fully operational prior to first occupation of the any of the units and thereafter retained and maintained in that condition.

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 January 2010 and Policy NRM11 of the Regional Spatial Strategy for the South East of England May 2009.

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

The external amenity space 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 the flat units.

REASON:

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

06. 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 LPA.

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

Monday to Friday 08.00 hours and 09.30 Hours (8.00am to 9.30 am)

Monday to Friday 15.00 hours and 16.30 hours (3.00pm to 4.30pm)

and at no time on Saturdays, Sundays and public holidays to take account of the occupation and proximity of neighbouring residential properties.

Reason

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

07. 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.

08. APPROVAL CONDITION - Refuse and Cycle store details - Performance Condition

The refuse and cycle stores shown on the approve plans shall be provided prior to first occupation of any unit hereby approved and thereafter retained and maintained for that purpose.

Reason:

To ensure appropriate facilities are provided to serve future occupiers of the development.

09. 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.

10. 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.

11. APPROVAL CONDITION - Construction traffic access/ egress arrangements (Pre-Commencement Condition)

Prior to works commencing on the site details of the means of access for vehicles associated with construction (and demolition) of the structures on the site shall be submitted to and agreed with the Local Planning Authority. Such details shall indicate any areas of equipment and material storage during the work period, site offices and parking for construction vehicles together with any measures to limit the possible nuisance effects on surrounding and neighbouring residential properties.

Reason:

In order to protect the residential amenity of nearby properties and the safety of children and other visitors to the adjacent school.

12. APPROVAL CONDITION - Road Construction [Pre-Commencement Condition]

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

A specification of the type of construction proposed for the roads, cycleways and footpaths and parking areas including :

- i. details all surface materials to used for the parking spaces, vehicle and pedestrian routes,
- ii. cross-sections and longitudinal sections showing existing and proposed levels;
- iii details of any street furniture to be provided within these areas including, bollards, landscape features, lighting, signage and the method of demarcation of routes and parking spaces
- iv details of the method of disposing of surface water.
- v a programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

The parking areas and access to them shall be provided in accordance with the approve plans prior to first occupation of any of the units and thereafter retained and maintained for that purpose unless otherwise agreed in writing by the local planning authority or as may be superseded by any subsequent planning application.

Reason:

To ensure that the roads, cycleways, and footpaths are constructed in accordance with standards required by the Highway Authority.

13. APPROVAL CONDITION - Wheel Cleaning Facilities [Performance 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.

14. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The development to which this consent relates shall not be first occupied until such time as the design and location of secure and covered visitor cycle stands to accommodate 3 cycles has been agreed in writing with the Local Planning Authority and those facilities have been provided on the site. Thereafter the visitor cycles stands shall be retained and maintained and made permanently available for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

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

Before the commencement of any site works a fully 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 shall be submitted to and approved in writing by the Local Planning Authority.

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 any of the or during the first planting season following the full completion of building works, whichever is sooner and 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.

16. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class D (porch),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Class F (hard surface area)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

17. APPROVAL CONDITION - Other details sought [Pre-Commencement Condition]

Prior to works commencing on site, details of the following matters shall be submitted to and approved in writing by the Local Planning Authority and the development shall then be implemented in accordance with such drawings as subsequently approved in writing at 1:20 scale:

- a. details of the handrails, balustrade and under trays of all balconies
- b. details of the roof junctions between the houses and the flatted block
- c. details of all entrance canopies to flats and houses
- d. details of refuse stores to all houses
- e. details of the front boundary treatment to be provided to delineate the private and public areas of the site
- f. the positions of rainwater goods and vents where these are on front or side elevations

Reason:

To enable agreement of this detail at a scale which avoids doubt in the interests of the visual amenities of the area.