

**Southampton City Planning & Sustainability**  
**Planning and Rights of Way Panel meeting 16th August 2011**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 2 Nightingale Grove and 34 Nightingale Road			
<b>Proposed development:</b> Extension of time to implement planning permission 07/01656/FUL. (Erection of 9 x three-bedroom dwellings within 2 part two/part three-storey terraced blocks with associated parking and amenity space.)			
<b>Application number</b>	11/00443/TIME	<b>Application type</b>	TIME
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	11.05.11	<b>Ward</b>	Freemantle
<b>Reason for Panel Referral:</b>	Referred by the Planning and Development Manager	<b>Ward Councillors</b>	Cllr Parnell Cllr Moulton Cllr Ball
<b>Applicant:</b> Innovation Development Services Ltd		<b>Agent:</b> Chris Keen, The Keen Partnership	
<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>		

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on 16.08.11 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2011) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning History

**Recommendation in Full**

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 CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);  
  
Amenity Open Space ("open space")  
Playing Field;
- iv. 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.
- v. An undertaking to ensure that the development is completed to shell and core within 24 months of the date of the planning permission. A re-evaluation to take place in the event that this is not achieved with any uplift up to an agreed sum payable to meet Section 106 mitigation measures.

In the event that the legal agreement is not completed within two months of the date of the meeting that the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

## **1. Background**

- 1.1 Full planning permission was granted for the redevelopment of the site to provide nine houses in 2008 (planning application 07/01656/FUL refers). This permission lapsed on the 20th March 2011. In order to extend the life of the planning permission before it lapsed the applicant submitted this application seeking the Council's approval for a further 3 year full planning permission for the same development.
- 1.2 On the 18th March this year, building works commenced on the nine dwellings which benefitted from planning permission at that time. However, none of the pre-commencement planning conditions of the permission had been formally discharged by the Local Planning Authority before works commenced and, moreover, could not be discharged before the expiration of the planning permission as the applicant's incomplete submission was only received by the Local Planning Authority on 3<sup>rd</sup> March (11/00408/DIS refers) giving limited time for consultation and review. As such, the Planning Enforcement Team sought the cessation of development works on the site.
- 1.3 The current application was validated on the 16th March 2011. The Government's guidance on these types of applications is contained in the Department for Communities and Local Government (DCLG) document entitled 'Greater flexibility

for planning permissions' (Nov 2009). It explains that the procedure for extending planning permissions that are in danger of lapsing was introduced in order to make it easier for developers and Local Planning Authorities (LPAs) to keep planning permissions alive for longer during the economic downturn, so that they can more quickly be implemented when economic conditions improve. In determining such applications the guidance explains that LPAs should focus their attention on development plan policies and other material considerations (including national guidance), which may have changed significantly since the original grant of permission.

- 1.4 As required, the following report sets out and considers the relevant changes in policy, guidance and other material considerations that have arisen since 2008.

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

- 2.1 The application site previously contained two detached two-storey houses; 2 Nightingale Grove which was an older property accessed by a narrow route to the side of 4 Nightingale Grove; and 34 Nightingale Road which is a modern property accessed from Nightingale Grove. There is a change in levels across the site with the land sloping upwards from south to the north. As detailed above, development works have commenced on the site; the original properties have been demolished and works commenced on the foundations for the nine properties.
- 2.2 The site lies within close proximity to Shirley Town Centre and is bounded by residential properties. The surrounding area is predominantly residential in character typically comprising semi-detached and terraced two-storey dwellings, although there are more recent flatted developments within the vicinity of the site.

## **3. Proposal**

- 3.1 The current application seeks to extend the period in which the planning permission for nine flats can be implemented. The 2008 planning permission was for two-terraces of townhouses. The lower terrace would front and take access from Nightingale Road, and comprises four two and three-storey houses providing two and three bedroom accommodation. The upper terrace would comprise three, three bedroom houses which are also two and three-storey in height.
- 3.2 The dwellings would have a pitched roof design and a contemporary appearance. The terraces would be crescent shaped with a staggered building line and the properties step up from two to three storeys in height. The elevations would have a render finish.
- 3.3 A total of seven car parking spaces would be provided to the fronts of the properties. Private gardens would be provided to the rear of properties. The gardens which would serve the lower terrace would be provided as three stepped terraces.
- 3.4 Purpose built and integral cycle and refuse storage would be provide to the front of the properties.

## **4. Relevant Planning Policy**

- 4.1 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**.

- 4.2 In particular, since the application was originally approved in 2008, the key changes to Development Plan policies include the increased sustainability requirements of policy CS20 of the Core Strategy and the lower Affordable Housing threshold introduced by policy CS15 of the Core Strategy.
- 4.3 In addition to this, on the 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.
- 4.4 The revised PPS3 maintains that the priority for development should be PDL (paragraph 36 refers).
- 4.5 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").
- 4.6 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.
- 4.7 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 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.
- 4.8 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).

## **5. Relevant Planning History**

5.1 Planning permission for the previous property of 34 Nightingale Road was granted in 2000. Apart from the subsequent application to redevelop the site to provide nine house (application reference 07/01656/FUL) there are other relevant planning applications relating to this site.

5.2 Full details of the relevant planning history is provided at **Appendix 2**.

## **6. Consultation Responses and Notification Representations**

6.1 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 and erecting a site notice (24.03.11). At the time of writing the report **21** representations have been received from surrounding residents. The following is a summary of the points raised:

6.2 ***The dwellings would lead to overlooking of the neighbouring properties thereby leading to a loss of privacy for residents.***

6.3 Response

The proposed dwellings have been designed to be positioned at angles to boundaries with the neighbouring properties to prevent direct overlooking. There is no less than 10 metres between the habitable room windows and the boundaries with neighbouring properties, where as the previous dwelling on site had habitable room windows within 4 metres of the boundary of the neighbouring property. A condition is suggested to prevent the insertion of any further windows in the side elevations of the proposed dwellings. There has been no change since 2008 when the Council found the impact on privacy to be acceptable.

6.4 ***The houses are designed with insufficient car parking and therefore the proposal will exacerbate current issues of on-street car parking in the surrounding streets.***

6.5 Response

The site lies within an area of Medium Accessibility to public transport, close to the boundary with a High Accessibility area. In addition to this, the site also lies approximately 200 metres from Shirley Town Centre. The level of car parking proposed accords with the Council's adopted maximum car parking standards. Furthermore, there have been no changes since 2008 when the Council found the level of car parking to be acceptable.

6.6 ***During the construction phase, construction vehicles would make the area difficult to access by emergency vehicles and the construction process will be disruptive to neighbouring occupiers.***

6.7 Response

A condition is suggested to secure a Construction Management Plan which addresses where construction related traffic will be parked as well as measures to reduce disturbance to neighbouring occupiers during the construction process. As part of the Section 106 process the developer is required to undertake a Highway Condition Survey to ensure that any damage to the public highway is repaired by the developer.

6.8 ***The development has taken in land which is in the ownership of neighbouring properties and the initial construction works has caused damage to neighbouring properties.***

6.9 Response

The documentation submitted with the application confirms that the application site is within the applicant's ownership. Any discrepancy will be discovered when the applicant completes their Section 106 Agreement.

6.10 ***The access to the site from Nightingale Grove is not wide enough.***

6.11 Response

The access from Nightingale Grove exceeds the 3.1 metre minimum access width. As such, Highway Officers have raised no objection to the proposal. There have been no changes since the access arrangements were found to be acceptable in 2008.

6.12 ***The scale of the proposed properties are out of keeping with the surrounding properties.***

6.13 Response

The proposal development steps up from two to three-storeys in height which helps the development integrate into its context and the shallow pitched roofs of the dwellings would reduce their overall height. In addition to this, due to the backland nature of the site, the development would read as a stand alone development within the street scene. Furthermore, it is important to note that there are other examples of three-storey development within the surrounding area. As such, it is considered that the three-storey height of the proposed dwellings would not appear anomalous. Again, there has been no change since the 2008 approval in this respect.

6.14 ***The development will lead to overshadowing of and loss of light to the neighbouring properties.***

6.15 Response

Having regard to the separation between the proposed dwellings and the neighbouring properties and having regard to the orientation of the plot, it is considered that the development would not create any harmful overshadowing or lead to a loss of light to the neighbouring properties. There has been no change in this respect since the scheme was originally approved in 2008.

6.16 ***The proposed dwellings would appear out of character with the surrounding area.***

6.17 Response

The architectural style of the surrounding area is mixed. The terraced form of the proposed development responds to the site's context and the contemporary appearance should have a positive appearance within the street scene.

6.20 ***The proposal will have result in the loss/damage of bat habitat.***

- 6.21 Response  
Please refer to the comments from the Council's Ecologist at paragraph 6.25, below.
- 6.22 Consultation Responses
- 6.23 **SCC Highways** - No objection. Suggests the imposition of highway conditions imposed on the previous application.
- 6.24 **SCC Sustainability Team** – No objection. Suggests a condition to ensure the development attains level 3 of the Code for Sustainable Homes.
- 6.25 **SCC Ecology** – No objection. Requests details of landscaping to be submitted for approval to secure replacement habitat for the gardens lost. At the time of the previous application it was not recommended that a bat survey be carried out because of the low probability of bats being present. It is impossible to rule out the presence of bats due to their small size. In this situation, the final responsibility to check whether bats are present lies with the developer since it is an offence to harm bats or damage their roots. Once the developer has been made aware of the possible presence of bats, what they do with the information is beyond the control of the Local Planning Authority. There is no clear evidence that an offence has been committed in this instance.
- 6.26 **SCC Trees** – No objections or conditions suggested.
- 6.27 **SCC Environmental Health (Contaminated Land)** - No objection.
- 6.28 **Southern Water** – No objection or conditions suggested.
- 7. Planning Consideration Key Issues**
- 7.1 The key issues for consideration in the determination of this planning application are:
- i. Principle of development;
  - ii. Design;
  - iii. Residential amenity;
  - iv. Residential Standards;
  - v. Highways and parking;
  - vi. Sustainability and;
  - vii. Viability and Affordable Housing.
- 7.2 The application needs to be assessed in terms of the key issues identified above together with the planning history of the site and in particular, in light of any changes in planning policy and other material considerations since the scheme was first approved in 2008.
- 7.3 Principle of Development

7.3.1 Whilst the development of the existing dwellings complies with Local Plan policy H2, the use of garden land for development requires further consideration. By definition not all of the site is previously developed land. PPS3 indicates that the priority for development is previously developed land. However, that is not to say that development on garden land is harmful per se, but rather it needs to be balanced against the impact of the development on the character of the area and other planning policies which require the efficient use of land to provide housing. This is discussed in more detail in relation to the character of the area, below.

7.3.2 The density of the proposed development, at 63 dwellings per hectare would be appropriate for this area of medium accessibility. The provision of genuine family housing is welcome.

#### 7.4 Character and Design

7.4.1 The Council's policies in relation to character and design have not changed significantly since the previous application was approved in 2008. In terms of scale, the development is designed with a successful transition in height from two-storeys up to three-storeys. As the dwellings would be set back into the site, the three-storey elements would not appear unsympathetic with the character of the area.

7.4.2 The proposed development would have a contemporary appearance but takes design cues from the surrounding area in terms of the use of pitched roofs and the terraced built form. The staggered building line and crescent shape of the terrace would articulate the development and break the massing of the building.

7.4.3 In terms of the use of garden land for development purposes, it is important to note that the properties which previously occupied the site were of a backland nature rather than street frontage development. In addition to this, similar adjacent back-land sites have also been developed to provide further residential accommodation. As such, it is considered that the use of garden land proposed would not be harmful to the character of the area.

7.4.4 In addition to this, the proposed development is set back from street frontage with areas identified for soft landscaping to the property frontages. The areas of private garden proposed to serve the dwellings are in excess of the Council's minimum amenity space standards. As such, it is considered that the site would not appear over-intensively developed.

#### 7.5 Residential Amenity

7.5.1 The Council's policies in relation to residential amenity have not changed since the previous application was approved in 2008. As discussed in paragraphs 6.3 and 6.15 above, when compared with the previous properties that occupied the site, the proposal provides improved separation to the boundaries to the north. The angled nature of the proposed terraces also reduces opportunities to overlook the neighbouring properties.

7.5.2 The separation between the south-facing gable ends of the development and the rear elevations of the neighbouring properties on Nightingale Grove, exceeds the separation distance recommended by the Residential Design Guide. In addition to this, the intervening outbuildings between the neighbouring properties and the



development site, further mitigate the impact that the development would have on residential amenity. It is important to note, that the nearest residential neighbour to the site at 36 Nightingale Road has no habitable room windows facing onto the site itself and the development would have an improved relationship when compared with the previous dwelling which occupied the site.

## 7.6 Residential Standards

7.6.1 The dwellings are designed with sufficient private and useable garden areas which would be fit for their intended purpose. The gardens would range between 54 to 83 sq.m in area, which exceeds the amenity space standards set out in the Residential Design Guide.

7.6.2 The crescent shape and staggered building line of the two terraces has been designed to avoid direct interlocking between habitable room windows. Whilst the separation distances between the proposed terraces ranges between 14 and 20 metres, the design ensures that a good residential environment would still be achieved. Furthermore, future occupants of the housing would be aware of how the buildings relate when choosing to live on this development.

7.6.3 The dwellings are designed with integral cycle and refuse storage to the properties frontage. A collection point for refuse has been designed into the access from Nightingale Grove.

## 7.7 Highways and Parking

7.7.1 The site lies within an area Medium Accessibility for public transport and the development provides the maximum number of car parking spaces permitted by the saved policies of the Local Plan Review. The policies of the Development Plan emphasises the need to reduce car dependency and furthermore, saved Local Plan policy SDP5 confirms that car parking is a key determinant in the choice of the mode of travel. The provision of secure and convenient cycle storage would promote cycling as an alternative to the private car. The level of car parking proposed to serve the development is therefore considered to be acceptable.

7.7.2 The development would utilise the existing vehicular access. The Council's Highway Officer has confirmed that there has been no material change in circumstances which would now render the scheme unacceptable in highway terms.

## 7.8 Sustainability

7.8.1 The applicant has provided information which demonstrates that the development can meet level 3 of the Code for Sustainable Homes and would include measures to reduce energy and water consumption. As well as meeting level 3 of the Code for Sustainable Homes, policy CS20 of the Core Strategy also requires new developments to achieve 25% reduction in Carbon Dioxide emissions over the current Building Regulations by incorporating renewable or low carbon technologies. The applicant had advised that the development can meet a 25% reduction over the previous Building Regulations which the scheme was approved under, but due to issues with viability, cannot achieve a 25% reduction over the current Building Regulations. The Sustainability Team have accepted this

justification and as such have raised no objection to the application.

## 7.9 Viability and Affordable Housing

7.9.1 Core Strategy policy CS15 requires the provision of 20% affordable housing on sites where there would be a net gain of between 5 and 14 units. This policy however, builds in flexibility to ensure that issues of viability do not stifle development in difficult economic times. A viability appraisal of the proposal has been submitted with the application and it is proposed to make no contribution towards affordable housing. The submitted viability assessment has been independently tested by the Council and it is agreed that the provision of affordable housing would make the scheme non-viable on a commercial basis.

7.9.2 The delivery of Affordable Housing needs to be balanced against other material consideration, such as the delivery of housing (the employment associated with this) during difficult economic circumstances. Another material consideration relates to the previous scheme being free from any Affordable Housing contribution as it was only in 2010 that the threshold was reduced from 14 to 5 new dwellings. However, it is also important to note that since the submitted viability appraisals reflects the current market conditions, a usual three year planning permission would not necessarily meet this aim. As such, it is recommended that the S.106 Legal Agreement includes a clause (as set out at above) that ensure the scheme is realised to shell and core within 24 months.

## 8. Summary

8.1 The proposal development makes good use of the site to provide housing and successfully responds to the constraints of the site without compromising the existing residential amenity of neighbouring dwellings. Whilst there has been a shift in the Government definition of previously developed land, this is not deemed significant enough to warrant a planning refusal, as the scheme will result in an acceptable built form with the delivery of family housing.

## 9. Conclusion

9.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

### Local Government (Access to Information) Act 1985

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

1 (a) (b) (c) (d) 2 (b) (c) (d) 4 (f) 6 (c) (i) 7 (a) (b) (e) (n) (o) 9 (a) & 10 (b)

JT for 16/08/11 PROW Panel

### PLANNING CONDITIONS

#### **01. APPROVAL CONDITION - Standard 3 Years [performance condition]**

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

Reason:

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

**02. APPROVAL CONDITION - Details of External Materials [performance condition]**

Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the following approved materials:

Roof Tile: Redland Mini Stonewold Grey 30

Render: Sto Ltd Synthetic Render System, StoRender Fibre Plus, Render Two, White and Cream

Facing Brick: Ibstock Staffordshire Slate Blue Smooth Engineering Brick

Fenestration: UPVC Colour White.

Reason:

In the interests of ensuring that the new development is constructed in accordance with the submitted details and to secure a harmonious form of development.

**03. APPROVAL CONDITION - Boundary Treatment [performance condition]**

Before the development hereby approved first comes into occupation, the boundary treatment shall be provided in accordance with the details provided on drawing number 1908/WD01 Rev D received by the Local Planning Authority on the 3rd March 2011. The boundary treatment shall thereafter be retained as agreed.

Reason:

In the interests of the privacy of the neighbouring properties and to secure a satisfactory residential environment.

**04. APPROVAL CONDITION - Landscaping Details [pre-commencement condition]**

No further development shall take place until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The submitted details shall include:

- i. proposed finished ground levels or contours; other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate; and,
- iii. a landscape management scheme.

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.

**05. APPROVAL CONDITION - Landscaping Implementation [performance condition]**

The hard and soft landscaping works shall be carried out in accordance with the details approved in the above planning condition. The works shall be carried out before any of the development is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

REASON:

To ensure that the works are carried out as approved in the interests of the visual amenities of the area.

**06. APPROVAL CONDITION - Landscaping Replacement [performance condition]**

If within a period of three years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason:

To ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme.

**07. APPROVAL CONDITION - On-site Parking/Access [performance condition]**

Before any dwelling unit hereby approved is occupied, both the on-site car parking and a proper vehicular access relating to it shall be provided. The car parking shall thereafter be retained and not used for any trade, business or industrial use.

Reason:

To ensure provision of vehicular access and car parking, to avoid congestion in the adjoining area and to protect the amenities of the area.

**08. APPROVAL CONDITION - Refuse & Recycling Bin Storage [performance condition]**

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with plan ref P02 and P03 which was received by the Local Planning Authority on 26.09.07. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

REASON:

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

**09. APPROVAL CONDITION - Cycle Storage [performance condition]**

Cycle storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with plan ref P02 and P03 which was received by the Local Planning Authority on 26.09.07. The cycle storage shall be retained whilst the building is used for residential purposes.

Reason:

In the interests of the visual appearance of the building and the area in general and to promote alternative modes of travel to the private car.

**10. APPROVAL CONDITION - Removal of Permitted Development Rights [performance condition]**

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), E (outbuildings, enclosures or swimming pools) and F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for both the existing dwelling and the dwelling hereby approved.

Reason:

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

**11. APPROVAL CONDITION - No other windows, doors or openings [performance condition]**

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, in relation to the development hereby permitted, no windows, doors or other openings shall be constructed in the development hereby approved other than those expressly authorised by this consent.

Reason:

In order to protect the amenity and privacy of neighbouring properties.

**12. APPROVAL CONDITION - Amenity Space Access [performance condition]**

The garden areas shown on the plan P10 which was received by the Local Planning Authority on 27.12.07 hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the flats hereby permitted and shall be retained with access to it at all times for the use of the dwelling units.

Reason:

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

**13. APPROVAL CONDITION - Contamination Assessment [pre-commencement condition]**

No further development shall take place until the developer has carried out adequate assessments to determine the likely presence of contamination on the site (desk study) and assessed the potential risks to human health and the wider environment. If significant hazards are identified a scheme of further investigation will be required in order to assess the risk/risks. If significant risk/risks are identified a detailed remediation scheme must be devised and implemented to ensure the long-term safety of the site.

Documented evidence of the above procedures shall be submitted to the Local Planning Authority for their written approval at each stage. Any remediation scheme required and approved shall be fully implemented and adhered to. Any amendments to the remediation scheme relevant to the risk associated with the remediation works and, prior to occupation of any properties on the development, the developer and/or his approved agent shall submit written confirmation that the works have been completed in full and in accordance with the approved scheme.

The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and an investigation and management scheme implemented to their approval.

Reason:

To identify unacceptable risks to human health and the environment and ensure investigation, assessment and remediation of the site is to an appropriate standard.

**14. APPROVAL CONDITION -Infill Materials [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 no ground contamination risks to human health and the environment are introduced onto the development.

**15. APPROVAL CONDITION - Lighting Scheme [performance condition]**

Prior to the development hereby approved first coming into occupation, the lighting scheme shall be implemented in accordance with drawing number 1908/WD01 Rev D received by the Local Planning Authority on the 3rd March 2011. The lighting scheme shall thereafter be retained as approved.

Reason:

To ensure a satisfactory form of development and in the interests of securing a safe form of development for prospective residents.

**16. APPROVAL CONDITION Hours of Construction [performance condition]**

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of 8am and 6pm Mondays to Fridays and 9am and 1pm on Saturdays. Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

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

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

Reason:

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

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

Written documentary evidence demonstrating that the development will achieve a minimum level 3 standard in the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent.

Reason:

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

**19. APPROVAL CONDITION - Approved Plans [Performance Condition]**

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

Reason:

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP13	Resource Conservation
SDP14	Renewable Energy
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

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

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)

PPS3 Housing (2011)

PPS9 Biodiversity and Geological Conservation (August 2005)

PPG13 Transport (2011)

PPS22 Renewable Energy (August 2004)

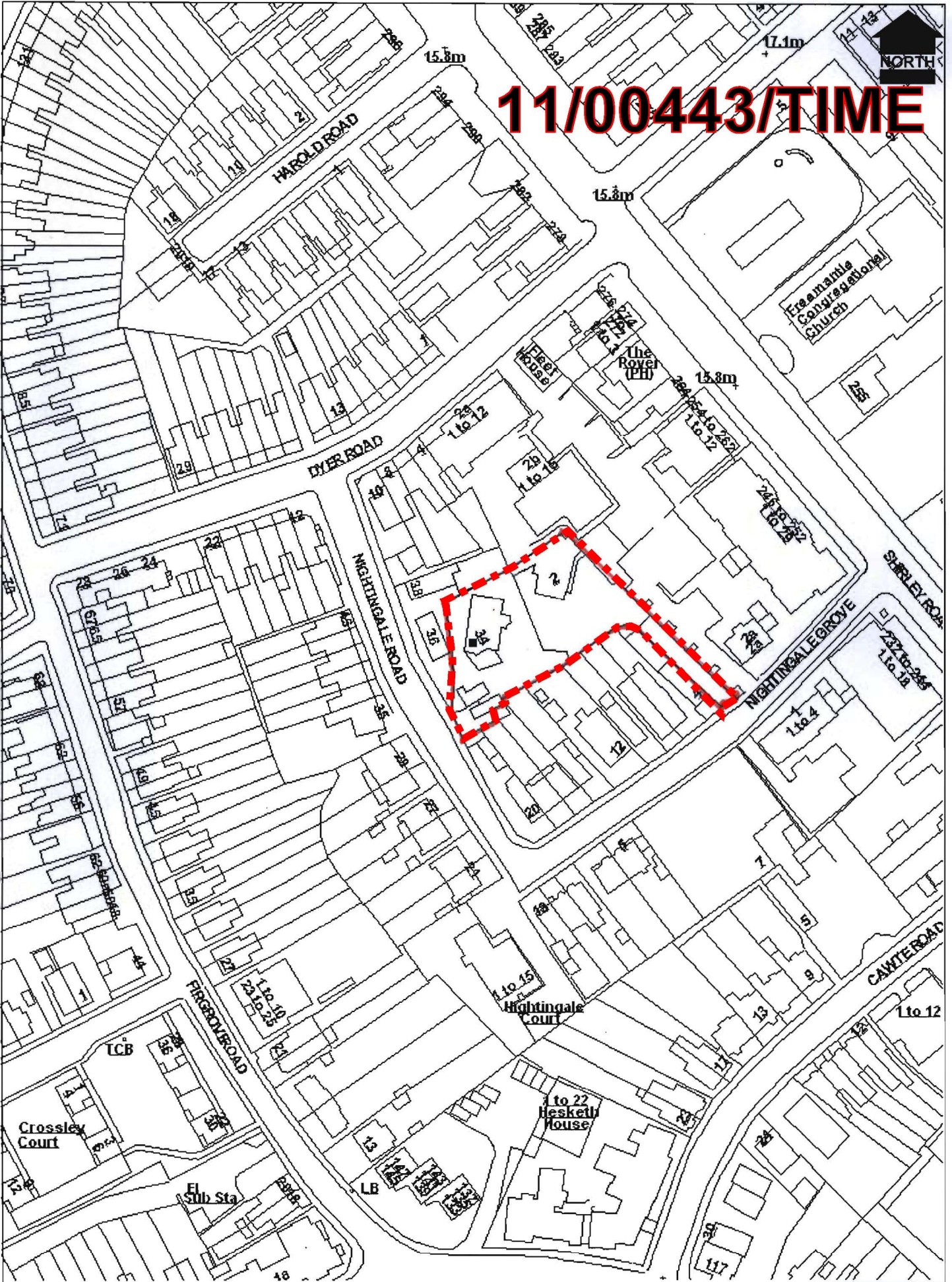


**Relevant Planning History**

00/00334/FUL Conditionally Approved 12.09.00  
Construction of 3 bedroom house and detached double garage

07/01656/FUL Conditionally Approved 20.03.08  
Erection of 9 x three-bedroom dwellings within 2 part two/part three-storey terraced blocks  
with associated parking and amenity space

11/00443/TIME



Scale : 1:1250

Date : 04 August 2011

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