

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 22 November 2011
Planning Application Report of the Planning and Development Manager

Application address: 222-252 Meggeson Avenue			
Proposed development: Demolition of the existing block of flats and redevelopment to provide 10 x 3 bedroom houses and 23 flats (4 x 1 bedroom, 19 x 2 bedroom) in two, three and four-storey buildings with associated parking and other works including stopping up of highway/diversion of an existing public right of way.			
Application number	11/01340/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	N/A - Planning Performance Agreement	Ward	Bitterne Park
Reason for Panel Referral:	Major Development on Council Land	Ward Councillors	Cllr Baillie Cllr White Cllr P. Williams
Applicant: Lovell Partnerships Ltd and First Wessex		Agent: Pope Priestley Architects Llp	
Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report		

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council finds the small loss of open space to be acceptable in this case given the quality of the proposed replacement open space. Particular account has also been taken of the third party response to the scheme, the quality of the proposed redevelopment proposals, the associated regeneration benefits and improvements to local housing (including a high percentage of affordable and family housing). Other material considerations, including the vehicular access arrangements, car parking arrangements, protection of trees and the impact on the amenities of neighbouring occupiers, 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 planning permission should therefore be granted.

Policies - SDP1, SDP 5, SDP7, SDP9, SDP10, SDP11, SDP13, SDP14, HE6, CLT5, CLT6, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006), Policies CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20, CS21 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the relevant parts of supplementary planning guidance including the Residential Design Guide (September 2006).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

1. Conditional Approval - Subject to:

- (a) Confirmation in writing by the applicant prior to the grant of planning permission that the attached draft Heads of Terms are acceptable;
 - (b) the receipt of an undertaking from the Head of Property and Procurement Services that the contract for the sale of Council owned land, the subject of this application, will be conditional upon the applicant (and any other landowner) entering into a S.106 legal agreement with the Council to provide the following planning obligations:
 - 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 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);
 - iv. Provision of affordable housing in accordance with Core Strategy Policy CS15.
 - v. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives in line with Core Strategy Policies CS24 and CS25.
 - vi. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 2. That the Planning and Development Manager be given delegated authority to add or vary any of the attached planning conditions and relevant parts of the Section 106 agreement.
 3. The Panel agree to the necessary stopping up/diversion of the footpaths/public highway associated with this development.
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1. The site and its context

- 1.1 The application site is approximately 0.51 hectares in area and is situated on the north-east side of Meggeson Avenue. There is a vacant five-storey block of 16 flats on the site at present with a car parking area to the rear. Amenity space around the building is a simple grassed area which is communal estate land and not allocated to the building. There is also a small childrens play area to the rear of the building. The land is generally flat, although there is a fall in levels to the north where the application site meets a public footpath off Cutbush Lane.
- 1.2 The surrounding area is predominantly residential with a mixture of two-storey

houses and mainly five-storey flats. Adjoining to the east of the site is a newly constructed community centre with an electricity substation to the rear. To the north of the site, beyond the public footpath, are two-storey houses in Coachmans Copse and Camelia Gardens. On the west side of the site is an extensive wooded area which is at the rear of existing blocks of flats.

2. Proposal

- 2.1 This application is part of Phase 2 of the Council's estates regeneration programme which is intended to tackle economic deprivation and social disadvantage on the Council's housing estates. It is proposed to demolish the existing block of flats and construct 33 new dwellings in two, three and four-storey buildings. The mix of dwellings proposed is: 4 x one bedroom flats, 19 x two bedroom flats and 10 x three bedroom houses. The proposed density would be 63 dwellings per hectare.
- 2.2 Vehicular access into the site would be in the same position as existing with a new shared surface vehicle and pedestrian route around the north and east sides of the development. A separate vehicular access would be formed to Meggeson Avenue on the west side of the frontage serving a new car parking area. A total of 33 car parking spaces would be provided for the development together with 4 spaces to be provided for the adjoining community centre.
- 2.3 The proposed materials are a mix of buff and grey flecked brickwork with natural colour mortar; white smooth faced render to the rear wall of the balcony recess; timber effect cladding to recessed plane of window framing; artificial slate to pitched roofs; grey framed windows and glazing system; and glazed balustrades to balconies.
- 2.4 The application is accompanied by a series of background reports: a Design and Access Statement; a Transport Statement; an Ecological Appraisal; Arboricultural Report; a Sustainability Report including a Renewable Energy Report.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

4. Relevant Planning History

- 4.1 The existing building dates from the 1960's. The only subsequent planning history relevant to this application is a 'Screening Opinion' issued under Regulation 5 of the EIA Regulations in August of this year confirming that the development did not require the submission of an Environmental Statement (11/01186/SCR).

5. Consultation Responses and Notification Representations

- 5.1 An extensive pre-application consultation exercise was undertaken beginning in 2009, as part of the estates regeneration programme. Following the receipt of the planning application a publicity exercise in line with departmental procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (22.09.11) and erecting a site notice (13.09.2011). At the time of writing the report **13** representations have been received from

surrounding residents.

5.2 The grounds of objection, which are addressed later in this report, can be summarised as follows:

- The level of parking, at one space per dwelling is inadequate for visitors and residents with company vans etc. The provision of 4 spaces for the community centre is insufficient for such a busy facility;
- Overspill parking in surrounding streets leads to congestion and lack of visibility for pedestrians which is particularly dangerous during school opening and closing times;
- The new dwellings are considerably higher than the houses in Coachmans Copse which will result in overlooking and loss of light to neighbours.

5.3 **SCC Highways** - There is no objection to the layout or car parking arrangements subject to conditions.

5.4 **SCC City Design** – The scheme is well thought out and will on the whole present an excellent opportunity to regenerate the area and address the urban design issues of the existing development. For example the layout of the existing development fostered the opportunity for antisocial behaviour by its lack of definition of private and public space. Much of the open space immediately around the existing block on the site had limited practical function. Whilst the area of open space is reduced most of it is now designated as private or communal gardens. This means that the new residents benefit from all the advantages of having access to a private garden, whilst the maintenance burden on the Council is reduced. In addition the creation of clear definitions between public and private space will reduce the potential for anti-social behaviour. The amount of development is appropriate given the amount of existing open space elsewhere in the area. The plans propose the insertion of a complete new perimeter block into the estate. The development is of an appropriate scale and relates well to its context in this respect. The designs are strongly contemporary in style and promise an attractive and appropriate intervention into the townscape. The use of a variety of cladding materials and subtle modelling of the elevation will successfully break up the mass of the buildings.

5.5 **SCC Sustainability Team** – No objections subject to conditions being imposed. The applicants renewable energy report recommends the use of PV panels to achieve the required CO2 savings. The applicant has subsequently provided more information on the location of the PV panels which are considered to be satisfactory.

5.6 **SCC Trees Team** –There are woodland edge trees along the north western boundary of the site which have amenity value and are shown as being retained. In the applicant's arboricultural report, the trees shown as group G1 are to be removed. Although as a group these trees have amenity value, as individual specimens they are of poor form. The loss of these trees have been mitigated in the applicants landscaping scheme. In these circumstances the Trees Team have no objection to this proposal subject to conditions.

5.7 **SCC Housing** - A higher level of affordable housing is to be provided on site as part of this development and the scheme is fully supported by Housing.

5.8 **SCC Rights of Way Officer** - There appears to be no adopted highway carriageway, verges or footways within the development site and the "public" footpath referred to in the Design & Access Statement, is an unadopted highway that lies across land owned and administered by SCC's Housing Directorate.

However, it is noted that whilst the route is an unadopted highway, it is linked by two adopted highway footpaths from Coachman's Copse to the north-west of the site. The footpath is a right of way 'Research Project', number 135, for which there is evidence that it has accrued public right of way status by virtue of more than 20 years unchallenged, uninterrupted use. Further evidence also suggests that it has a higher status than simply a footpath, with cycling having played a major part of use for many years and therefore needs to be addressed within any future action towards recording the route on the Definitive Map & Statement for Public Rights of Way. Accordingly, should any part of the development impinge on the route, then a legal order will be required, under s.257 of the T&CP Act 1990, to stop-up and divert any part, or the whole of the route, from its current alignment. The rights of way section would vigorously oppose any move to extinguish any part, or the whole, of the route as it forms part of a 2km recreational route between West End Road and (a) Riverside Park or (b) the A27. However, as the application drawings show an intention that pedestrian access will remain along this route the rights of way section has no objection to the application provided the requirements outlined in the preceding paragraphs are met.

- 5.9 **SCC Environmental Health (Contaminated Land)** - Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Therefore, to ensure compliance with Annex 2 of PPS23 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks or assume that land contamination exists and take a precautionary approach. To facilitate this I recommend, if planning permission is granted, that conditions be imposed
- 5.10 **SCC Ecology** – The majority of the application site comprises buildings and hard standing with improved grassland and small areas of broadleaved woodland, scattered trees and introduced shrubs. There is limited biodiversity interest on this site but habitat with potential for bats and breeding birds has been identified along and just outside the boundaries. The retention and enhancement of vegetation around the perimeter is a useful enhancement which will help to safeguard biodiversity using adjacent land and allow movement around the edge of the site. Although foraging habitat is being retained a threat from inappropriate lighting still remains. To avoid any loss of foraging value lighting within the new development should be designed to minimise light spill and avoid direct illumination of tree and shrub canopies. A number of enhancements are suggested in the Ecological Appraisal, these include the introduction of disease resistant elm varieties and provision of bat and swift boxes. These enhancements should be implemented via a planning condition. The proposed development is unlikely to have an adverse impact on local biodiversity provided precautions in respect of vegetation removal and lighting are observed. There is also the potential for biodiversity gains through implementation of the recommendations in the Ecological Appraisal August 2011.
- 5.11 **BAA** – No aerodrome safeguarding objection providing a condition is imposed relating to a Bird Hazard Management Plan.
- 5.12 **Southern Water** – Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. However, there appears to be currently inadequate capacity in the local network to provide surface water disposal. The applicant should investigate alternative means for surface water disposal which might include SUDS, although such facilities are not adoptable by sewerage undertakers.

6. Planning Consideration Key Issues

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

- The principle of this development and the form and mix of dwellings proposed.
- Design issues relating to the layout, the amount of development proposed and the impact on the character of the area.
- Transportation and parking issues.
- Environmental issues including trees and sustainability considerations.
- Section 106 considerations.

6.2 Principle of Development

The application site is not specifically allocated for development in the Local Plan. The existing building is unattractive, in poor condition and does not make efficient use of the land with a series of random unconnected spaces at the rear. However, the open grassed areas around the building do constitute open space which Core Strategy Policy CS21 seeks to retain and enhance. The justification for Policy CS21 recognises that as part of the estate regeneration programme some areas of amenity open space, which have little recreational, landscape or nature conservation value, may be converted to other uses as part of a wider programme of estate improvements. The application site is one such area where the amenity open space is of little such value. The open space area is split into several smaller spaces interrupted by a large tarmaced car parking area which significantly reduces its potential for recreational use. The proposed development does result in a reduction in the overall area of open space but the quality and useability of the space to be provided would be significantly improved. A range of different amenity areas are provided, private rear gardens, private shared amenity space, retained communal open space which offer landscape and visual amenity value. In these circumstances it is considered that the qualitative improvements are sufficient to justify an exception to Policy CS21. The priority for housing delivery should be previously developed land and not open space but the impact on the character of the area and the efficient use of land for housing are also material considerations.

6.3 The application proposes a good mix of dwelling types, size and tenure. 10 of the dwellings (30%) will be three-bedroom family homes, with access to private amenity space which complies with Core Strategy Policy CS16. It is currently proposed that the affordable housing provision on this site will be 63% of the dwellings. This level of provision significantly exceeds the policy requirement for the delivery of affordable housing and is to be welcomed.

6.4 Design Issues

The surrounding area is mixed in terms of building heights and style, although 5-storey blocks of flats and 2-storey houses are the dominant features. The proposed development is a mix of 2, 3 and 4-storey buildings with the taller buildings on the Meggeson Avenue frontage and lowering in scale towards the rear to integrate into the local context. The layout creates a perimeter block form of development which reflects good urban design practice and clearly delineates private and public areas thereby increasing the potential for surveillance of public areas. The form and scale of development, with flat roofs to the larger buildings and pitched roofs to the houses, is appropriate and relates satisfactorily to its context.

6.5 The design of the buildings is contemporary in style with appropriate references to the design of existing post-war buildings on adjoining sites. A good mix of external

materials is proposed, including facing brick, render and pitched slate roofs. Further details can be secured through imposition of a planning condition.

6.6 The scheme meets the relevant standards of the Council's approved Residential Design Guide. The garden sizes for the family houses are in accordance with the guidelines, being 10 metres deep. The separation between the buildings is satisfactory at 21 metres. The treatment of the Meggeson Avenue frontage is unusual in that it would effectively be a communal front garden serving both houses and flats. This area is of sufficient size to be attractively landscaped, provide a buffer from the traffic in Meggeson Avenue and encourage a sense of community feeling for those residents who adjoin the space.

6.7 The proposed buildings would be much closer to the neighbours in Coachmans Copse on the north side of the application site. These neighbours would experience a marked difference in the outlook from their houses compared with the existing situation. However, the northern part of the development would be two-storey properties, of a similar scale to the neighbouring houses and set at a slightly lower level. There would be the potential for a degree of overlooking into these adjoining gardens, but the separation distance of 10 metres to the boundary is not unusual in an urban situation. Window to window overlooking would generally not be possible due to the orientation of the houses in Coachmans Copse. Overall, it is considered that the amenities of neighbours would not be significantly affected by this development.

6.8 Highways/Parking

The proposed layout is based on the concept of 'shared surfaces' and mews courts which provide space for pedestrians and cyclists rather than just vehicles and ensure that the access routes do not dominate the appearance of the scheme. The existing footpath which directly adjoins the application site is a public highway not maintained at the public expense. This footpath will be realigned but retained as a shared surface as part of this development and the permeability through the site will remain. The level of car parking was established under the previous car parking standards and resulted in 1:1 provision. The layout has been designed for the buildings to take precedence with the parking tucked away into smaller parts of the site rather than in one large area. The recently adopted parking standards would allow for a maximum provision of 62 spaces but achieving this level of car parking would result in less housing development and a car dominated layout with less open space. Members are reminded that the new standards are a maximum and the government's advice in PPG 13 is that developers should not be required to include more car parking than they wish to provide. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. The development incorporates 4 dedicated spaces for the community centre which previously has had no specific provision. Local residents feel that this provision is inadequate and is less than the current situation. Although visitors to the centre may have parked in the existing car parking area on the site, there has been no right to do this as this parking area is allocated to the block of flats.

6.9 Sustainability

There are no significant trees on the site which will be lost. The proposal will provide new landscaped areas which will enhance the character and appearance of the area. In terms of sustainability, the applicants have designed the scheme to meet Level 4 of the Code for Sustainable Homes and incorporated areas for solar panels at roof level which is welcomed.

6.10 Section 106 Matters

The applicants have agreed to enter into a S.106 legal agreement with the Council (at the land transfer stage). It is, however, likely that the application will

be supported by an up-to-date viability appraisal of the proposal which concludes that full contributions would make the delivery of the scheme non-viable on a commercial basis. A scheme's viability is a material consideration where it is directly linked to housing delivery and the wider regeneration benefits. The applicant's submitted appraisal will need to be independently tested before the Council can agree to waive any of its normal requirements. It is recommended that the Planning and Development Manager be authorised to vary relevant parts of the Section 106 agreement following the outcome of the viability appraisal.

7.0 Summary

7.1 This development offers significant regeneration benefits for this estate. The amount of development proposed is considered acceptable and the small loss of open space is more than compensated for by the improved quality of the replacement open space. A good mix of family and non-family units would be provided as well as a balance between market and affordable housing. The proposed layout and design is considered to be satisfactory and the amenities of neighbours would not be adversely affected. The level of parking provision is considered to be acceptable for this location.

8.0 Conclusion

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

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

1(a), 1(b), 1(d), 2(b), 2(d), 4(f), 4(g), 4(vv), 6(c), 7(a), 7(e), 7(n), 9(a), 10(a) and 10(b).

RP2 for 22/11/2011 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

03. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

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

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

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

04. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and

receptors

a qualitative assessment of the likely risks
any requirements for exploratory investigations.

2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.

3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

05. APPROVAL CONDITION- 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.

06. 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.

07. APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

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

Reason:

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

08. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

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. 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. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. 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.

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

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least [the percentage required by core strategy policy CS20] in category Ene1, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction assessment and certificate as issued by a legitimate Code For Sustainable Homes certification body.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

10. APPROVAL CONDITION - Demolition - Dust Suppression [Pre-Commencement Condition]

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason:

To protect the amenities of users of the surrounding area.

11. APPROVAL CONDITION - Construction Method Statement (Pre-Commencement Condition)

The development hereby approved shall not commence until a method statement and appropriate drawings of the means of construction of the development has been submitted to and approved in writing by the Local Planning Authority. The method statement shall specify vehicular access arrangements, the areas to be used for contractor's vehicle parking and plant, storage of building materials and any excavated material, temporary buildings and all working areas required for the construction of the development hereby permitted. The building works shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect the amenities of neighbours and the wider environment

12. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

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

Reason:

In the interests of highway safety.

13. APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]

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

Reason:

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

14. 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.

No deliveries of construction materials or equipment, or removal of demolition materials associated with this development shall take place between the following times:

- 8am to 9am and 2:30pm to 3:30pm Mondays to Fridays

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission, and to ensure that construction traffic does not conflict unduly with the local school's peak hour traffic.

15. APPROVAL CONDITION - Foul and Surface Water Drainage (Pre-Commencement Condition)

No development shall commence, apart from demolition of the existing buildings, until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order that the Local Planning Authority may be satisfied that the development would not increase the risk of flooding in the area.

16. APPROVAL CONDITION - Bird Hazard Management Plan (Pre-Commencement Condition)

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on the buildings within the site which may be attractive to nesting, roosting and "loafing" birds (possible different management strategies during the breeding season and outside the breeding season). The Bird Hazard Management Plan shall be implemented as approved upon the completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON

It is necessary to manage the roofs of the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

For information: The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season, gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

17. APPROVAL CONDITION - Retained access arrangements (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any other Order revoking or re-enacting this Order) no walls, fences or other permanent means of enclosure shall be erected across those parts of the site shown as being open vehicular and pedestrian access routes through the site.

REASON

To ensure that permeability is retained through the site.

18. APPROVAL CONDITION - Layout of Car Parking/Serviceing (Pre-Occupation Condition)

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

REASON

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

19. APPROVAL CONDITION - Refuse facilities (Pre-Occupation Condition)

The refuse storage facilities, which shall include recycling facilities, as shown on the approved drawings shall be provided before the dwelling to which the facility relates has been provided. The storage areas shall be retained thereafter.

REASON

To ensure suitable refuse and recycling facilities are provided and in the interests of visual amenity.

Informative:

All refuse stores identified on the approved plans listed should be constructed of brick under a suitable weatherproof roof with adequate ventilation. The doors should be hinged to open outwards with a minimum opening of 1.4m wide, and any lock system should comply with the Council's standard lock requirements operated by a fob system. Six spare fobs should be supplied to the Council prior to the first use of the relevant store. Each store should be fitted and retained with internal lighting that shall operate when doors are open and a tap and wash down gulley should also be provided. The access path to the bin store should be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable unless they comply with SCC standard fob lock details. The gradient of the access path to the bin store should not exceed 1:12 unless suitable anti-slip surfacing is used, and still should not exceed 1:10 and a single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bins.

20. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the submitted Ecological Appraisal from Campbell Reith dated August 2011 with the application which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason

To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

21. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

22. 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 extensions),

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.

23. APPROVAL CONDITION - Safety and Security measures (Pre-development condition)

No development shall commence until a scheme of safety and security measures has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall subsequently be implemented in accordance with the scheme before the development is first occupied unless otherwise approved in writing by the Local Planning Authority.

REASON

In the interests of safety and security and crime prevention.

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

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

- A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

REASON:

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

25. APPROVAL CONDITION – Arboricultural Method Statement

Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development the approved development shall be implemented and completed only in accordance with the recommendations as set out in the applicant's DF Clarke Bionomique Ltd Arboricultural Impact Assessment (May 2011 - reference DFC 1066).

REASON:

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

26. APPROVAL CONDITION- Green roof feasibility study (Pre-Commencement)

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

REASON:

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

27. APPROVAL CONDITION - Sustainable Drainage System (Surface Water)

Prior to development commencing (excluding the demolition and site preparation phase) details of the construction of the surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Planning Authority. The surface water drainage shall thereafter be undertaken only in accordance with the approved details. The submission shall include a feasibility study by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable drainage system on site. 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 and fully operational prior to the first occupation of the development. It shall thereafter be retained and maintained for the benefit of the site and its users.

REASON:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, to ensure future maintenance of the surface water drainage system and to comply with policy SDP13 (vii) of the City of Southampton Local (2006) and the LDF Core Strategy Policy CS20 and in accordance with the applicant's FRA, which was received by the LPA on 29 September 2011.

28. APPROVAL CONDITION – Archaeological work programme

No development shall take place within the application site until the applicant has secured the maintenance of an on site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with a written detail which has been submitted to and approved by the local planning authority.

REASON:

The Local Planning Authority wishes to ensure that adequate arrangements are made to

allow an archaeological watching brief to take place during all new foundations, below ground works and excavation phases of the development. The purpose of the watching brief is to ensure that any agreed design measures to preserve the archaeological remains in situ are correctly implemented on site and to allow investigation and recording of any archaeological evidence that might be revealed in areas not covered by preservation measures.

29. APPROVAL CONDITION - Junction Details [Pre-Commencement Condition]

Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority and the development shall not be brought into use until that junction has been constructed in accordance with the approved plans.

Reason:

To ensure a safe access to the site is achieved.

30. APPROVAL CONDITION - No other windows or doors other than approved [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 windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the north-western elevation of Plots 30 and 31 hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

31. APPROVAL CONDITION - Approved Plans

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

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
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
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE6	Archaeological Remains
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment

Supplementary Planning Guidance

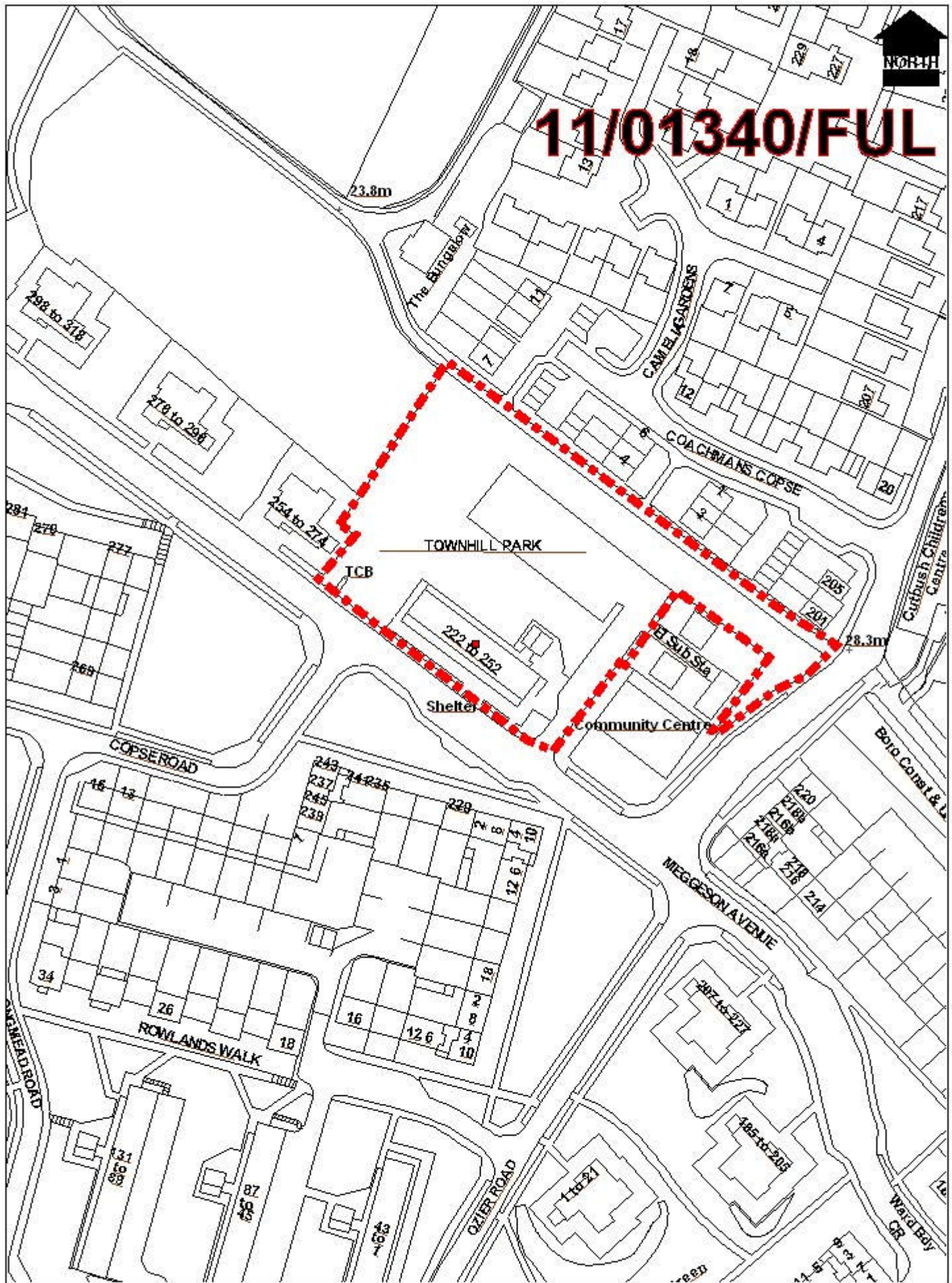
Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards SPD (September 2011)

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 (June 2010)
PPG13 Transport (2011)



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Scale : 1:1250

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