

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 11 December 2012**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 2-8 Queensway and adjoining area of public highway			
<b>Proposed development:</b> Redevelopment of the site to provide 34 flats (9 x one bedroom, 19 x two bedroom and 6 x three bedroom) in a 7-storey building, 7 x four bedroom 4-storey houses, 3 x two bedroom 2-storey houses and 132 square metres of commercial floorspace (Class A1, A2 or A3) with associated car parking and alterations to the public highway (includes stopping up of part of the highway/right of way).			
<b>Application number</b>	12/01262/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	20.11.12	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Major planning application subject to objection	<b>Ward Councillors</b>	Cllr Bogle Cllr Tucker Cllr Noon

<b>Applicant:</b> Raglan Design And Build Limited	<b>Agent:</b> Design ACB
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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**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 the 11.12.12 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 neighbouring occupiers. Where appropriate planning conditions have been imposed to mitigate any harm identified. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). 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. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

<b>Appendix attached</b>	
1	Development Plan Policies

## **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
  - i. A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport improvements under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by adopted LDF Core Strategy policies CS18 and CS25.
  - 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 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. The provision of affordable housing in accordance with adopted LDF Core Strategy Policy CS15.
  - v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - vi. A financial contribution towards public realm improvements within the city centre, as part of the North/South Spine Strategy, in accordance with policies CS13 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005).
  - vii. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
  - viii. The funding of a Traffic Regulation Order (TRO) required for the off-site highway works on Queensway.
2. That the Planning and Development Manager be given delegated authority to add to, delete or vary planning conditions and relevant parts of the Section 106 agreement.
3. That the Panel authorise the stopping up of the areas of public highway set out in the application.
4. In the event that the legal agreement is not completed within two months of the Panel meeting 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. The site and its context**

- 1.1 The application site currently comprises two-storey, brick-built warehouse

buildings which are currently vacant and were last used as a nightclub. The site lies within the city centre and is within close proximity to the High Street, Oxford Street and Queen's Park. The existing buildings have a poor visual appearance within the street scene and their low-rise nature contrasted against the broad width of Queensway, creates a road-dominated impact.

- 1.2 The site is located on the corner of Queensway and Briton Street and lies opposite the Fruit and Vegetable Market which is identified as a key site for major development within the Council's emerging City Centre Action Plan and Masterplan. The site's context is varied in terms of character and uses. The site backs onto Brunswick Square which contains a mix of commercial uses including a social club and rubber manufacturer and is identified for light industrial uses within the Local Plan. Immediately adjoining the site on the Briton Street frontage, is the five-storey office building of Briton House. To the south of the site, also on Briton Street, is the 12-storey residential development of Oceana Boulevard.

## **2. Proposal**

- 2.1 The application seeks full planning permission to redevelop the site to provide a combination of houses and flats with different unit types as well as a ground floor commercial use to the corner of the site. The scheme has been amended since originally submitted to alter the mix of accommodation within the flatted block by reducing the proportion of three-bedroom units and therefore increasing the overall number of units proposed.
- 2.2 The proposal includes a terrace of seven, four-storey townhouses fronting Queensway, which would have private rear garden spaces containing purpose built cycle storage. To the front of the properties, a small area of defensible space would be provided which contains purpose built refuse storage. The boundary to the street frontage would be demarcated by 1 metre high railings. These dwellings would each have four bedrooms and a rear facing roof terrace. In terms of appearance, the dwellings would have a zinc, mono-pitched roof set behind a parapet wall and a glazed stair core which delineates the separate plots. In terms of materials, it is proposed to use a dark brick base and a trio of buff bricks to the elevations of the different houses.
- 2.3 To the rear of the terraced houses, three, two-storey mews houses would be provided fronting onto Brunswick Square. These units are designed with an integral garage and an amenity space deck over this. These units have a low-rise, flat roof design and take their outlook chiefly from Brunswick Square. A similar material treatment is proposed for these houses to the remainder of the development.
- 2.4 To the corner of Queensway and Briton Street, a block of 34 flats would be provided which contains a mix of 1, 2 and 3 bedroom units. This block ranges from five to seven storeys in height, although the top floor is set back from the parapet of the building. The commercial unit would occupy the ground floor of the flatted block and it is proposed that this could be used for either retail, office/financial professional services or cafe/restaurant. The development would have a contemporary architectural appearance and in terms of external materials it is proposed to use a trio of facing bricks and elements of cladding for detail.
- 2.5 In terms of car parking, the two-storey houses would each be served by an

integral garage and the block of flats would be served by 10 car parking spaces to the rear of the site, accessed from Brunswick Square. As part of the section 106 agreement, works would be carried out to Queensway to relocate the existing bus stop further down the street and provide a new run of 21 on-street car parking and tree-planting. Subject to due process, it is anticipated that these spaces would become part of a residents parking permit scheme during the evening and retained for general parking use within the day. In addition to this, the application also involves the stopping up of part of the public footway on Queensway. This land would become part of the development site.

### **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 The site lies within the defined city centre and policies CS1 of the Core Strategy and MSA1 of the Local Plan Review seek high quality developments within the city centre. The site lies within an area of High Accessibility to Public Transport (Public Transport Accessibility Level 6)
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.4 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

### **4. Relevant Planning History**

- 4.1 Historically the site was used as a warehouse and in 1986 planning permission was granted for the use of the building as a nightclub (reference 860682/M). There have been subsequent planning applications approved to extend and alter the existing building and increase the hours of opening.

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

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (11.10.12) and erecting a site notice (01.11.12). At the time of writing the report **3** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 ***The height of the block of flats will result in a loss of daylight to the nearby residential development of Oceana Boulevard and also result in overlooking of these flats.***

5.3 **Response**

The proposed development lies to the north of the nearby development of Oceana Boulevard and therefore it is not considered the proposal would have a harmful impact in terms of over-shadowing. The Residential Design Guide Supplementary Planning Document does not set out standards for privacy distances between residential development across the streets but that said, the proposed separation distance of just over 17 metres is typical of other developments within the vicinity of the site, including between Goldsmiths Court and Telephone House and also Castle Place. The proposed relationship, is therefore considered to be acceptable in this respect.

5.4 ***The loss of public car parking on Queensway together with the insufficient amount of parking to serve the proposed development and the increase in residents will place pressure on the surrounding streets.***

5.5 **Response**

The site lies within an area of High Accessibility to public transport and having regard to the city centre location of the site which is within walking distance of services and facilities and good access to public transport. The provision of less car parking than the maximum standard is therefore considered to be acceptable. As part of the section 106 agreement it is proposed to increase the number of parking spaces on Queensway. It is anticipated that these spaces would become part of a Resident's Car Parking Permit Scheme but this is subject to agreement outside of the planning process.

5.6 ***An A3 use on the ground floor is likely to generate odour disturbance and littering in the area and could increase noise and crime within the area.***

5.7 **Response**

A condition is recommended to secure adequate extract equipment before the ground floor unit is occupied as a cafe or restaurant use and the Pollution and Safety Team have raised no objection to the proposal on this basis. It is not considered that a restaurant or cafe use would necessarily generate additional littering within the area and it is important to note that the application does not include proposals for a hot food takeaway use. When compared with the current lawful use of the site as a nightclub, it is considered that the provision of a smaller restaurant or cafe use, is a significant betterment in planning terms.

5.8 ***A communal satellite dish or antennae should be provided to prevent proliferation of individual satellite dishes on the building.***

5.9 **Response**

It is not within the remit of planning to require the provision of a communal satellite antennae, a condition is however suggested to remove permitted development rights to prevent the ad hoc addition of aerials and antenna on the street frontages and roofs.

5.10 ***The demolition and construction will result in disturbance to neighbouring residents and businesses due to the generation of dust and noise and the parking of contractors vehicles.***

5.11 **Response**

A condition is suggested to secure a Demolition and Construction Management

Plan which will minimise disruption during the demolition and construction process.

### **Consultation Responses**

- 5.12 **SCC Highways** - No objection. The site is highly accessible and so dependence on car for travel is reduced. Furthermore, the residents would have access to the City Car Club scheme. The parking policy for the city centre is under review and it is being investigated whether the on-street car parking bays can become part of a residents car parking permit scheme. The application proposal is acceptable in highways terms whether or not this scheme comes to fruition.
- 5.13 **SCC Housing** – The development is led by a Registered Provider of Affordable Housing and will provide above the required 35% (15 units) Affordable Housing units. The Housing Team are therefore supportive of the proposal.
- 5.14 **SCC Sustainability Team** – No objection. The application has been designed to meet level 4 of the Code for Sustainable Homes. A condition is suggested to secure this and to investigate the feasibility of incorporating green roofs.
- 5.15 **SCC Architect’s Panel** – Support the proposal. Consider that the application is a well thought through scheme which would make a good contribution to the city centre and includes a good mix of different unit typologies.
- 5.16 **SCC Environmental Health (Pollution & Safety)** - No objection. Suggests conditions to secure a glazing specification to protect prospective residents from external transport noise and to reduce disruption to neighbours of the site during the construction process.
- 5.17 **SCC Environmental Health (Contaminated Land)** - No objection. Suggests conditions to deal with any land contamination risks.
- 5.18 **SCC Archaeology** - No objection. There is a high potential for archaeology to survive within the site and conditions are therefore suggested to secure the appropriate investigation and work programme.
- 5.19 **SCC Ecology** – No objection. Suggest a condition to secure protection for any nesting birds that may be accommodated in some of the vegetation on site.
- 5.20 **SCC Rights of Way Officer** - No objection.
- 5.21 **BAA** – No objection. Suggest a condition to secure a bird hazard management plan.
- 5.22 **City of Southampton Society** - Welcomes the redevelopment of this neglected site and in particular the mix of private and social housing.
- 5.23 **Southern Water** – No objection. Suggest a note to applicant to be attached to the decision which draws attention to the application requirements to connect to the public sewer and to the water supply. A condition is suggested to secure details of surface and foul water disposal.

## **6. Planning Consideration Key Issues**

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

- i. The principle of development;
- ii. The design of the proposal together with the impact on the character of the area;
- iii. The impact on residential amenity;
- iv. The quality of the residential environment proposed;
- v. Parking and highways;
- vi. The Sustainability of the proposal and;
- vii. Mitigation of direct local impacts and Affordable Housing.

### **6.2 Principle of Development**

6.2.1 The policies of the Core Strategy and saved policies of the Local Plan support the principle of making efficient use of city centre, previously developed sites to provide mixed use developments. The proposed mix of residential and commercial would introduce activity and enhance the vitality of the area. Bringing a vacant and underused city centre site back into active use is welcome.

6.2.1 The application proposes a residential density of 269 dwellings per hectare in accordance with Core Strategy policy CS5, which recommends densities of over 100 dwellings per hectare in this location. The development proposes a genuine mix of accommodation and includes the provision of 29% family sized units which is slightly less than the target of 30% set out by policy CS16 of the Core Strategy. That said, policy CS16 confirms that within high density areas, such as the city centre, a lower percentage of family units could be acceptable. Having regard to the genuine mix of accommodation that would be achieved and the constrained nature of the site, the provision of 13 family housing units is therefore considered to be acceptable in this instance. The principle of this form of development is acceptable.

### **6.3 Design and Impact on Character of the Area**

6.3.1 As noted in the site description above, the current appearance of the site is poor and highway dominated and furthermore, the vacant and commercial units within the street results in an absence of activity outside of daylight hours. The proposed development provides an active street frontage to Queensway and the contemporary terrace of housing provides a modern interpretation of the historic housing and plot series which can be found within the city centre. The introduction of housing to Brunswick Square would provide natural surveillance of the public highway which would represent an improvement in terms of reducing opportunities for crime and anti-social behaviour.

6.3.2 The proposed scale of the development would assist in providing a strong and positive built edge to Queensway. The seven storey element with an active ground floor commercial use, creates a focus to the corner of the site and moreover, is sympathetic to the taller context of buildings found on Briton Street. The top floor of the flatted block is set back which reduces the overall height but also provides a successful finish to the top of the building. It is appropriate to reduce the scale of buildings to the rear of the site, fronting Brunswick Square, which is not a main street.

6.3.3 The different unit typologies proposed adds visual interest to the appearance of

the development, and overall the development would have a cohesive appearance with well proportioned and balanced elevations. The application of materials and use of recessed fenestration, inset balconies and varied roof heights, successfully articulates the development. Furthermore, the submitted information provided in relation to the proposed external materials finish and detailed design elements, indicates that a high-quality development would be achieved.

- 6.3.4 Consideration has been given to how the current proposal would work in terms of the future development of the wider area, including the Fruit and Vegetable Market site opposite. The information contained within the submitted Design and Access Statement demonstrates that the proposal would not prejudice the future development of neighbouring and nearby sites. Moreover, it is considered that the quality of the scheme would set a benchmark for future proposals within the area.
- 6.3.5 Overall it is considered that the proposed development would represent a significant improvement to the character of the area and would have a high quality appearance that befits this city centre site.

#### 6.4 Impact on Residential Amenity

- 6.4.1 Whilst the application site is currently vacant, the lawful use of the site is a nightclub and the removal of this use is considered to represent a significant benefit to the amenities of nearby residents. In terms of the relationship between the proposed flatted block and Oceana Boulevard, as stated above, the 17 metre separation distance between the proposed flats and the neighbouring residential block is typical of relationships between flatted blocks within the vicinity of the site and the city centre as a whole. Furthermore, since the development is north of the residential neighbour, no harmful impact would occur in terms of overshadowing. It is therefore considered that the proposal is acceptable in residential amenity terms.

#### 6.5 Quality of Residential Environment

- 6.5.1 The application proposes an innovative approach to incorporating housing within a constrained city centre site. Whilst separation distances and the quantum of amenity space is not strictly in accordance with Residential Design Guide Standards, the development still provides a high-quality residential environment. Furthermore, it is important to note that the RDG builds in flexibility when considering proposals in denser locations such as the city centre.
- 6.5.2 The two-storey mews houses do not incorporate traditional back gardens and instead are served by first floor terraces. The terraces provide usable, good-quality, private space which directly relates to the dwellings' living areas. Furthermore, since these units are not family size units with 3 or more bedrooms, the provision of less amenity space is considered to be acceptable. The mews houses are designed to avoid any overlooking of the proposed terraced houses and gardens. The low-rise nature of the mews houses and the greater floor-to-ceiling height of the ground floor, rear-facing accommodation within the terrace houses, ensures that outlook from these rooms would not be compromised. Occupants of the terraced houses would have access to private rear gardens and a useable top-floor terrace, providing a choice of external spaces. All but six of the one-person flat units have access to a private balcony. Furthermore, the development would also benefit from good access to the public open space in Queen's Park.



6.5.3 In terms of layout, all units with a ground floor, street frontages have an area of defensible space between the building and the public highway to provide privacy and security for future occupants. A survey of external noise sources has been carried out and submitted with the application and based upon this information, the Pollution and Safety Team are satisfied that the future occupants of the development would not be adversely affected by noise. Furthermore, whilst the adjacent land within Brunswick Square is currently identified for light industrial uses by the saved policies of the Local Plan, it is anticipated that the nature of this area will change over time to introduce more of a mix of uses. Cycle and refuse storage and collection has been designed into the proposal to an acceptable standard.

## 6.6 Parking and Highways

6.6.1 The application proposes works to stop up a section of the public footway on Queensway which will form part of the development site. These works will still enable a public footway of a sufficient width to be retained and therefore, the Highways Team have raised no objection to this aspect of the scheme.

6.6.2 The proposed parking on Queensway would not be directly provided for the sole benefit of the proposed development. Subject to a review of the Council's parking policy for the city centre and the necessary Traffic Regulation Order being in place, it is anticipated that these spaces could be used by future residents who hold a parking permit. The Highways Team have advised that whilst the establishment of a parking permit scheme would be of benefit to future occupants of the development, were it not to be created, the level of car parking proposed would still be acceptable.

6.6.3 The policies within the Core Strategy and Local Plan Review seek to reduce the need to travel by private car and set out that controlling the level of car parking is a key factor in ensuring more sustainable modes of travel. As the site lies within an area of High Accessibility to public transport (Public Transport Accessibility Level 6), the provision of 10 car parking spaces is in accordance with the adopted maximum car parking standards. Having regard to the city centre location of the site which is within walking distance of services and facilities and good access to public transport, the proposal is therefore considered to be acceptable. The proposal accords with central and local planning policies which seek to increase residential densities in the most sustainable locations.

## 6.7 Sustainability

6.7.1 A pre-assessment estimator for the Code for Sustainable Homes has been submitted with the application and demonstrates that the development will meet level 4, in accordance with policy CS20 of the Core Strategy. The development has been designed to minimise its demand for resources in terms of the orientation of habitable rooms. In addition to this, the applicant is investigating the potential for the development to connect to the nearby Holyrood Estate CHP generator. Conditions are suggested to ensure that the required sustainability measures are fully incorporated into the development.

## 6.8 Mitigation of direct local impacts and Affordable Housing

6.8.1 The development triggers the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards open space and highway infrastructure improvements in accordance with Core Strategy Policy CS25. The applicants

have confirmed their willingness to enter into the necessary obligations to mitigate against the scheme's direct local impacts. Subject to the completion of the legal agreement, the proposal is therefore considered to be acceptable.

## **7. Summary**

7.1 The proposed development makes good use of previously developed land to provide a genuine mix of accommodation on a city centre site. The proposal successfully responds to the constraints of the site and would have a positive visual impact on the area.

## **8. Conclusion**

8.1 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), 3(a), 4 (f), (vv) 6 (a), (c), (f), (i), 7 (a)

### **JT for 11/12/12 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, with the exception of site clearance and demolition works, 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,

excluding site clearance and demolition, a detailed landscaping scheme and implementation timetable shall be submitted to and approved in writing by the Local Planning Authority 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 - Noise - plant and machinery [Pre-Commencement Condition]**

The commercial use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with unit, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason:

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

#### **05. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [Pre-Commencement Condition]**

A restaurant or cafe use within the ground floor commercial unit shall not commence until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason:

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

**06. APPROVAL CONDITION – Archaeological investigation [Pre-Commencement Condition]**

With the exception of demolition to the existing ground floor slab, no development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

**07. APPROVAL CONDITION – Archaeological work programme [Performance Condition]**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the archaeological investigation is completed.

**08. APPROVAL CONDITION – Archaeological damage-assessment [Pre-Commencement Condition]**

No development shall take place within the site apart from demolition to the existing ground floor level until the type and dimensions of all proposed groundworks (including details of foundations, ground beams, all services etc) have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason:

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

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

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

1. A desk top study including;  
historical and current sources of land contamination  
results of a walk-over survey identifying any evidence of land contamination  
identification of the potential contaminants associated with the above  
an initial conceptual site model of the site indicating sources, pathways and receptors  
a qualitative assessment of the likely risks  
any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site

and allowing for potential risks (as identified in phase 1) to be assessed.

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

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

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

Reason:

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

#### **10. 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.

#### **11. 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.

#### **12. APPROVAL CONDITION - Code for Sustainable Homes [performance condition]**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate certification body, shall be submitted to the Local Planning Authority for its approval.

Reason:

To ensure the development has minimised 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).

**13. APPROVAL CONDITION - Construction and Demolition Method Statement [Pre-commencement condition]**

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Demolition and Construction Method Statement (DCMS) for the development. The DCMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of demolition and construction; (f) details of demolition and construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during demolition and construction will be mitigated. The approved DCMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

**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.

Reason:

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

**15. APPROVAL CONDITION - Foul and Surface Water Disposal [pre-commencement condition]**

Prior to the commencement of the development hereby approved, full details of means of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the agreed details.

Reason:

To secure a satisfactory form of development.

**16. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]**

Before the commercial use is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable

bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for commercial purposes.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

**17. APPROVAL CONDITION - Cycle and Refuse Storage [performance condition]**

Before the development hereby approved first comes into occupation, the cycle and refuse storage shall be provided in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

Reason:

To secure an acceptable residential environment.

**18. APPROVAL CONDITION - Hours of Use - Class A3 use [Performance Condition]**

The Class A3 use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the hours of 0700 to midnight on any day.

Reason:

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

**19. APPROVAL CONDITION - Active frontages [Performance Condition]**

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 the occupier(s) of the ground floor commercial uses shall retain an 'active window display' along the length of the shop frontages hereby approved (ie. without the installation of window vinyls or roller shutters) unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of retaining a lively and attractive streetscene.

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

The garden and amenity space areas shown on the plans hereby approved, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the dwellings and flats to which they relate and shall be retained with access to it at all times for the use of all occupiers of the respective dwellings.

Reason:

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

**21. APPROVAL CONDITION – Parking and Access [pre-occupation condition]**

Prior to the occupation of the development hereby approved both the access to the site and the parking spaces for the development shall be provided in accordance with the plans hereby approved. The parking and integral garages shall be retained for that purpose.

Reason:

To ensure a satisfactory form of development.

## **22. APPROVAL CONDITION – Removal of permitted development [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 the dwellings 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.

## **23. APPROVAL CONDITION – No other windows [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 dwellings above ground floor level other than those expressly authorised by this consent.

Reason:

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

## **24. 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 before development commences on each phase of the development hereby approved, apart from site clearance and demolition works. 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 buildings to which the green roofs relate 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.

## **25. APPROVAL CONDITION - Bird Hazard Management Plan [pre-commencement condition]**

Development shall not begin until a method statement has been submitted to and approved in writing by the Local Planning Authority, detailing how the applicant would prevent the nesting, roosting or loafing of hazardous birds, in particular gulls on flat/shallow pitched roofs. The method statement shall be implemented as approved.



## REASON

To avoid endangering the safe operation of aircraft through the attraction of birds.

### **26. 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

### **27. APPROVAL CONDITION - Glazing - soundproofing from external traffic noise [Pre-Commencement Condition]**

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from Queenway and Briton Street has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:- Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

Reason:

In order to protect occupiers of the flats from traffic noise.

### **28. APPROVAL CONDITION – Removal of permitted development [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 Class H of Schedule 2 (satellite antenna) and part 24 (development by telecommunications code system operators) of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

Reason:

In the interests of the visual amenity of the area.

### **29. 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.

## Note to Applicant

### 1. Connection to the Public Sewerage System

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester SO23 9EH.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS1	City Centre Approach
CS4	Housing Delivery
CS6	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
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

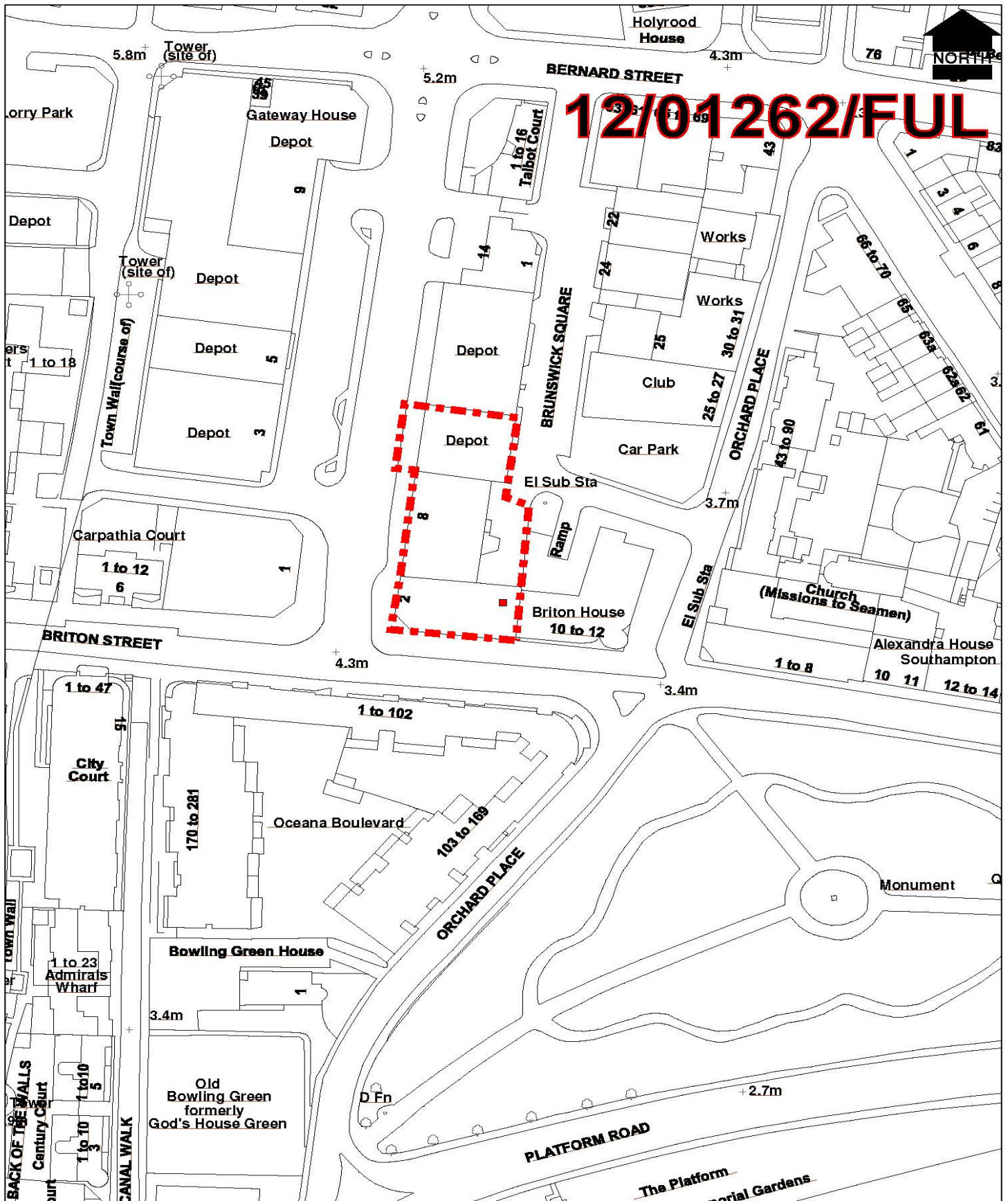
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE6	Archaeological Remains
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
MSA1	City Centre Design

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework



Scale : 1:1250

Date 28 November 2012

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