

**Planning and Rights of Way Panel 13<sup>th</sup> July 2021**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> 182 - 184 Bitterne Road West, Southampton			
<b>Proposed development:</b> Erection of a part 3 part 4 storey building with roof terrace, for use as specialist supported accommodation comprising 5 no.1-bed flats within use class C3, with associated communal accommodation and staff office at ground floor level, bin store and parking, following demolition of the existing building.			
<b>Application number:</b>	21/00412/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Mathew Pidgeon	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination :</b>	07.05.2021 (ETA)	<b>Ward:</b>	Peartree
<b>Reason for Panel Referral:</b>	Request by Ward Member <u>and</u> 5 or more representations	<b>Ward Councillors:</b>	Cllr Bell Cllr Houghton Cllr Payne
<b>Referred to Panel by:</b>	Former Cllr Keogh	<b>Reason:</b>	Design, overdevelopment, parking pressure.
<b>Applicant:</b> A Head of Time Estates Ltd		<b>Agent:</b> Mr Steve Lawrence (Achieve Planning)	

<b>Recommendation Summary</b>	Delegate to Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Planning Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the design, impact on neighbouring amenity and on street car parking pressure have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters.

The scheme is therefore judged to be in accordance with Section 38(6) of the

Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. 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 (2019).

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP22, H1, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS3, CS4, CS5, CS13, CS16, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>	
1	Development Plan Policies
2	10/00374/FUL - Reasons for refusal and refused plans
3	18/00358/FUL - Reasons for refusal and refused plans
4	18/00358/FUL – Planning and Rights of Way Panel Minutes on 10 <sup>th</sup> July 2018
5	18/00358/FUL – Appeal Decision
6	18/02272/FUL – Approved Plans
7	18/02272/FUL - Planning and Rights of Way Panel Minutes on 12 <sup>th</sup> March 2019
8	Habitats Regulations Assessment
9	Parking Survey

### **Recommendation in Full**

1. That the Planning Panel confirm the Habits Regulations Assessment set out at Appendix 8; and
2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
  - i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act to undertake a scheme of works or provides a financial contribution 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 (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);
  - ii. An undertaking by the developer that limits the occupation of the building for use as specialist supported accommodation managed by Southampton City Council's adult social care team.
  - iii. 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.

- iv. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

2. That the Head of Planning and Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

## **Background**

Two previous planning applications for residential redevelopment of this site were brought to the Planning and Rights of Way Panel meetings held on 10<sup>th</sup> July 2018 and 12<sup>th</sup> March 2019 where the first application (18/00358/FUL) was refused for three separate reasons. The second application (18/02272/FUL) successfully addressed the concerns raised within that decision and was approved. Following the approval of 18/02272/FUL an appeal against the earlier decision to refuse application 18/00358/FUL was dismissed for ecology reasons only and the Inspector was satisfied with the design and scale of the building and its relationship with the character and appearance of the area.

The current application differs to approved scheme (18/02272/FUL) in the following ways:

- An additional floor of accommodation is proposed making the building part 3 part 4 story.
- A balcony/terrace is proposed at third floor level.
- The footprint of the building has increased.
- A mix of both mansard and flat roof form is proposed.
- Elevations proposed are now a mix of red multi facing brickwork, metal infill panels and green planted wall.
- An updated car parking survey has been provided.
- A basement is no longer proposed.
- The proposal now seeks to provide the C3 flats for adults with learning disabilities and who may also have physical disabilities and dementia.
- The accommodation would be staffed in accordance with separate legislation, risk assessments for residents and individual care packages.
- Staff on site would be employed by registered care providers and the accommodation would be managed through Southampton City Council & Southampton City Clinical Commissioning Group.

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

1.1 The application site is located on the corner of Bitterne Road West and Athelstan Road. The site is occupied by a single storey detached commercial unit operated most recently as a hairdressers under the A1 use class. The

site is open and not bounded by boundary treatment at present adjacent to Bitterne Road West and Athelstan Road. Lack of boundary treatment allows members of the public to walk through the site from Bitterne Road West to Athelstan Road. Vehicles are also capable of using the side access between the application site and 186 Bitterne Road West although the route appears informal and seldom used. The proposed development would result in the loss of this access for vehicles.

- 1.2 To the rear of the site there is a vehicular access route allowing access to the backs of the properties 186 – 194 Bitterne Road West. The route is not a public highway and residents benefit from a right of access. Many residents of 186 – 194 use the space behind their properties for parking purposes.
- 1.3 The adjacent building to the east (186 Bitterne Road West) is a traditional two-storey design with a hipped roof. There is a commercial use at ground floor (A5 – hot food takeaway) and residential above. To the rear of the site, along Athelstan Road, are two-storey residential dwellings, to the west is a terrace of two and a half storey buildings with commercial or residential uses at ground floor and flats above whilst to the north on the opposite side of Bitterne Road West are single storey retail units for bulky goods.
- 1.4 The site is not within a primary or secondary retail frontage area nor is it within a District or Local Centre. The site falls within a medium accessibility area and is also within an Air Quality Management Area (AQMA).
- 1.5 Parking on Bitterne Road West and Athelstan Road near to the site is controlled by Traffic Regulation Orders in the form of double yellow lines. The highway adjacent to the site is also controlled by 'no waiting at any time' restrictions.
- 1.6 The wider surrounding area is residential, comprising a mix of terraced houses, semi-detached houses and detached houses. There are commercial uses opposite and Bitterne Train Station is 0.1 mile away to the north west. The nearest defined commercial centres are Bitterne Triangle Local Centre which is half a mile to the north, and Bitterne District Centre which is a little less than a mile to the east.

## **2. Proposal**

- 2.1 The proposal seeks specialist residential redevelopment with the erection of a part three and part four storey building comprising 5 x 1-bed flats. The design incorporates a 35sq.m roof terrace positioned adjacent to the Athelstan Road elevation. The roof terrace would be accessed from the four-storey section of the building that fronts Bitterne Road West.

- 2.2 The residential accommodation would be provided as specialist supported accommodation for adults with learning disabilities and who may also have physical disabilities and/or dementia. The accommodation is within the C3 use class however would also be restricted to the specialist accommodation type by S.106 legal agreement. This is because of the unusual layout with shared ground floor space and also due to the weight given to the proposed use and high demand for specialist accommodation in the city.
- 2.3 The accommodation would be staffed in accordance with individual care packages managed by Southampton City Council and carried out by registered care providers. The proposal seeks to provide 5 x 1 bed flats on the upper floors along with a communal lounge at ground floor and associated staff office, bin and cycle storage. It is not expected that there will be more than 3 staff members on site at any one time. Staff will not be residents, but rather a shift system will be in operation. Additional occasional visits may be made by health workers and family visitors.
- 2.4 Following concerns raised by the Highways Team amended plans have been received which limit the ground floor parking area to one vehicle over, which the upper floors of the building would span.
- 2.5 Access by residents to nearby shops and services, public open space and the roof terrace would be managed by the staff onsite in accordance with individual care packages which are produced following risk assessments.

### **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Policy CS16 is of particular importance as it seeks an improvement of, and an increase in, the provision of homes for senior citizens and disabled people of all ages.
- 3.3 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

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

- 4.1 The site has a lengthy Planning site history. The previous application on this site, ref 18/02272/FUL, was recommended to Planning Panel for approval and was subsequently approved on 12<sup>th</sup> March 2019. The application sought the erection of a three-storey building (with basement) to provide replacement commercial space at basement/ground floor, either within Class A1 or dental surgery only within Class D1, with 1 No. three bedroom maisonette over, either within Class C3 or Class C4. Associated single vehicle servicing bay accessed from new dropped kerb to Athelstan Road. Integral bicycle parking and refuse storage, following demolition of existing retail premises (Resubmission of planning application 18/00358/FUL). The approved plans are included as **appendix 6** and the minutes of the meeting are at **appendix 7**.
- 4.2 Application 18/00358/FUL was recommended to Planning Panel for approval but was subsequently refused on 10<sup>th</sup> July 2018. The application sought the erection of a three-storey building to provide a ground floor retail unit and two x two bed flats on upper floors with associated parking and cycle/refuse storage, following demolition of existing building. Three reasons for refusal were listed and are summarised below (full reasons and plans are included as **Appendix 3**):
1. Design: Responds poorly and fails to integrate with its local surroundings by reason of its cramped design, its relationship with the existing pattern of development along Bitterne Road West and excessive site coverage leading to an overdevelopment of the site.
  2. Incomplete Car Parking Survey
  3. Lack of Section 106 or unilateral undertaking to secure planning obligations - failure to secure mitigation towards the 'Solent Disturbance Mitigation Project'.
- 4.3 The decision was subsequently appealed with the inspector concluding that the scheme would not harm the character and appearance of the area but would have caused harm to European Sites; the car parking survey having not been contested by officers as a completed survey was provided prior to the appeal being determined. The following points are taken from the appeal decision as they are relevant to subsequent decisions (full appeal decision is included as **appendix 5**):
- Paragraph 7: The modern appearance with key feature being the curved front elevation responds to the corner plot location and the bend in the highway to the front. There is also variety and articulation to the proposed elevations, adding interest to the proposed building's appearance. The use of the terraces would be in keeping with this design approach.
  - Paragraph 8: Although the roof doesn't reflect a traditional pitched roof the modern style roof reflects the modern building style. The varied

style and form of buildings in the area is such that the building design and its flat roof sections would not appear incongruous or detract from the character of the area.

- Paragraph 9: The height as proposed would be only modestly taller than adjacent pitched roof buildings. As a corner plot building in a prominent location a taller building is typical and often a suitable approach, and this is reflected in the Council's Residential Design Guide (2006). In this case, the inspector was of the opinion that the height, scale and form of the proposed building was acceptable in this location.
- Paragraph 10: Due to the relatively small and constrained site hardstanding exceeding 50% of the site was deemed reasonable in the circumstances and not uncommon in the area; with the neighbouring buildings along Bitterne Road West immediately fronting the public footway.
- Paragraph 11: Plot coverage not considered harmful.
- Paragraph 12: Not deemed harmful to need to leave the site to access bin storage and to deemed a clear indication of overdevelopment.
- Paragraph 13: Overall, the proposed design and scale of the building would not be harmful to the character and appearance of the area.
- Paragraph 35: The Inspector concludes that the proposal was in conflict with policy CS22 that requires development to not adversely affect the integrity of international habitat designations.

4.4 Application 10/00374/FUL was refused in May 2010. The application sought planning permission for the redevelopment of the site following demolition of existing shop unit and erection of 5 flats comprising 1 x 1 bed and 4 x 2 bed (two storey with accommodation in roof) with detached single storey bike store and refuse enclosure and new site boundary wall/railings/gates. Five reasons for refusal were listed and can be summarised as follows (full reasons and plans are included as **Appendix 2**):

1. Design; responds poorly and fails to integrate with its local surroundings by reason of its design, including flat roofed form, its relationship with the existing pattern of development along Bitterne Road West and the excessive site coverage. Overdevelopment of the site.
2. Residential Environment; insufficient amenity space, failure to detail adequate mitigation measures (noise, odour, air quality), poorly location refuse and cycle store, lack of defensible space in front of habitable room windows.
3. Highways Safety; doors and windows overhanging public highway when open.
4. Code for Sustainable Homes; no commitment or details submitted.
5. Section 106 – Financial obligations were required to offset the impact of the development.

- 4.5 05/00184/OUT - Redevelopment of the site by the erection of a two-storey building comprising four flats and a commercial retail unit (outline application for means of access and siting). Conditionally Approve.
- 4.6 930240/E – Erection of a first floor to form self-contained flat with ground floor extensions – Refused, April 1993, refusal reasons included: overdevelopment, coverage of site, lack of amenity space, out of character and insufficient parking.

## 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 and erecting a site notice 02.04.2021. At the time of writing the report **9 representations** have been received from surrounding residents as well as comments against from former Ward Councillor Keogh and comments in favour from Ward Councillor Bell. The following is a summary of the points raised:

- 5.2 **Poor design/out of character with the surroundings – design has not sufficiently improved.**

**Response:**

*The position of the building on a corner and in an area with varied style and form provides scope for variety of design. The appeal inspector judged the previous contemporary design to not be harmful within this varied context. The proposed design does not move sufficiently far from the appeal scheme to justify refusal.*

- 5.3 4 storey height is too tall.

**Response:**

*The inspector has pointed out that as a corner plot in a prominent location a taller building is acceptable. The Council's Residential Design Guide also indicates that taller buildings can be used to create visual focus at a corners or at the end of a street. The Council's Design Officer agrees that this form of development is acceptable.*

- 5.4 **Overlooking/neighbouring privacy.**

**Response:**

*The layout of the flats means that habitable room windows will not face directly towards neighbouring residential properties or gardens. A privacy screen is proposed on the side of the raised terrace to prevent overlooking impacts from this external area. The distance between the building and the rear of number 1 Athelstan Road is approximately 29m*

**5.5 Noise from terrace and at shift changeover.**

**Response:**

*The Local Planning Authority must plan for reasonable behaviour and provided that residents behave reasonably there is no reason to refuse the application on the basis of noise generation. Shift changes are not expected to be a loud operation and the accommodation will be staffed 24/7.*

**5.6 Location is unsuitable to provide accommodation for adults with learning disabilities.**

**Response:**

*Each individual would have a specific risk assessment to inform their individual care package which is managed through separate legislation. It would then be the responsibility of the registered care provider to ensure that the residents are cared for in accordance with the care plan in the interests of safety and security.*

**5.7 Greater intensity of use than existing.**

**Response:**

*Planning policies seek the maximum use of derelict, vacant and underused land for residential development and intensification is not in itself harmful. The applicants are keen to maximise the site's potential and contribute towards meeting a housing need for vulnerable adults.*

**5.8 Increased potential for vehicles to unlawfully park on and therefore block the rear access to 186 – 194 Bitterne Road West.**

**Response:**

*This is a civil matter to be resolved outside of the planning system and enforced by the Police.*

**5.9 Highways danger/obstruction when servicing of the proposed residential units.**

**Response:**

*There is currently space at the rear of the site for a vehicle to park for servicing purposes. The proposal includes a space on site to ensure that servicing can still occur from the site.*

**5.10 Highways Safety – sightlines from vehicular access to rear of properties 186 – 194 Bitterne Road West and addition of new dropped kerb.**

**Response:**

*Amended plans have been received following which no objection is raised by Highways Development Management on the basis of proposed sightlines and larger parking area for a single vehicle which will make manoeuvring into and out of the space more convenient and therefore also safer.*

- 5.11 **Increased traffic generally as a consequence of the development. Increased parking pressure and poor survey work with unrealistic parking locations considered, carried out at inappropriate times of the day; and pre-pandemic (less people now driving to work so greater parking demand).**

**Response:**

*The proposal is unlikely to result in a significant increase in road traffic especially given that the residents will not be car owners. Staff would have access to the onsite car parking space which would need to be managed to also accommodate servicing when needed. Staff would also have access to cycle storage. Access to public transport is available nearby, reliance on private vehicles in this location is not necessary for access to public services and amenities. It is not anticipated that more than 3 staff would be on site at any one time with less being needed for overnight supervision. Family members may also visit the residents however they are likely to have the option of visiting by public and sustainable modes of transport. The submitted transport note and parking surveys provided show that there are up to 59 spaces available on street parking spaces within the assessment area.*

- 5.12 **Construction – Disturbance on the public highway (roads and footpath) & noise.**

**Response:**

*A construction environment management plan can be added to control parking of construction related traffic and location of construction compound. Planning conditions can be used to prevent construction at unreasonable hours. Construction would have a short-term impact only, so it is unreasonable to refuse the development on this basis.*

- 5.13 **Construction – Damage to the highway.**

**Response:**

*The Highways Act includes provisions for securing works to remedy damage by a third party. The legal agreement will also secure a highways condition survey to guard against damage to the highway from construction traffic associated with this development.*

- 5.14 **Use of public land.**

**Response**

*From the information available to the Planning Department it is clear that no public land is required to form the application site.*

- 5.15 **Environmental Health issues in neighbourhood with limited enforcement**

**Response**

*Enforcement of environmental health legislation regarding noise and odour is not a material planning consideration to be considered as part of this application.*

5.16 **Anti-social behaviour exacerbated by construction**

**Response**

*Separate legislation is used to manage anti-social behaviour.*

5.17 **If the accommodation changes to house criminal offenders' crime would increase.**

**Response.**

*Planning permission cannot be refused for this reason.*

5.18 **Compromising telephone exchange boxes and a gas sub-station.**

**Response.**

*Planning permission cannot be refused for this reason. Any utilities which encroach cross the site will need to be safeguarded or diverted.*

5.19 **Air pollution for residents on the roof terrace**

**Response.**

*No objection has been raised from the Council's Environmental Health Team. The terrace is positioned away from Bitterne Road West and the Air Quality Management Area. In addition, pollution levels disperse with height and the terrace proposed is at 3<sup>rd</sup> floor level. The previous application was not refused on air quality grounds.*

5.20 **Former Cllr Keogh**

- Objection for the following reasons:
- The building is over bearing in terms of its appearance, bulk and height. It clearly is too big for the footprint.
- The design of the building is out of character with the other buildings in the area.
- Increase the pressure on on-street parking in the area.
- Overlooking gardens on Athelstan and Garfield.
- Difficult access to car parking space near to BT box.

5.21 **Cllr Bell**

In Support for the following reasons:

- The height of the proposed building is slightly higher than the immediately neighbouring properties, but there is a precedent in that vicinity for slightly higher buildings.
- The designs look visually appealing and certainly appropriate for that busy junction.

## Consultation Responses

5.22

<b>Consultee</b>	<b>Comments</b>
Housing, Adult Social Care	<p>Support given for the proposal.</p> <ul style="list-style-type: none"> <li>• Each resident will have a personalised care plan produced as result of a detailed risk assessment.</li> <li>• Care plans will detail level of supervision needed on a day to day basis.</li> <li>• Staff will be on site 24 hours a day, 7 days a week.</li> <li>• The accommodation would be staffed by registered care providers and managed through Southampton City Council &amp; Southampton City Clinical Commissioning Group; through Adult Social Care.</li> <li>• Plans have been assessed by SCC Learning Disabilities Occupational Therapist who agrees that the needs of some of the potential residents can be met by the proposed scheme including the raised terrace.</li> </ul>
Archaeology	No objection subject to conditions.
CIL Officer	The development is CIL liable.
Ecology	No objection, support the design which includes a green wall the green, apply recommended conditions.
Contamination	No objection subject to recommended conditions
Environmental Health, noise and odour	No objection subject to the recommendations set out in the Noise Impact Assessment and Air Quality & Odour Assessment.
Environmental Health, Air Quality	The ground floor isn't a relevant receptor and due to the drop off in concentrations with height. Air quality objectives are met on the ground floor façade by a 'wide margin', air quality is not likely to be significantly harmful at upper floor levels.
Highways Development Management	Amended plans have been received to improve the car parking layout and has resulted in objections being removed. It is deemed that there will be no significant change in terms of highways safety. Apply recommended conditions.

Sustainability	Welcome the inclusion of a living wall which will help improve the air quality and appearance at this busy junction. Detail of the system and its maintenance should be controlled including irrigation which primarily should be provided by rainwater harvesting where possible. No objection subject to recommended conditions.
Southern Water	No objection subject to recommended conditions & informatives.
Urban Design Manager	No objection raised to the design or height proposed.

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

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

- the principle of the development including specialist housing provision;
- the impact of the design of the building on the character of the area;
- the quality of the residential environment produced for prospective residents;
- the impact on the amenities of neighbouring and surrounding residents;
- highways safety, car parking and access for servicing.
- Mitigation of direct local impacts
- Air Quality and the Green Charter

### Principle of the development including specialist housing provision

6.2 The scheme would make efficient use of previously developed land to provide five additional homes for adults with learning disabilities along with shared space at the ground floor which will also include a staff office, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026, which includes need for specialist accommodation for persons with disabilities. The proposal incorporates five no. one-bedroom flats proposed to be managed by the City Council Housing Team as specialist accommodation within the C3 (dwelling houses) use class. Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development. Policy CS5 of the Core Strategy states that for medium accessibility areas net density levels should generally accord with the range for density of between 50 and 100 dwellings per hectare for new residential development. The area of the site proposed for development is 0.016 hectares. With five dwellings the density would be 312 units per hectare which whilst falls well above the range set out above, also needs to be tested in terms of the merits of the scheme as a whole which will also consider site constraints, design response, and access to public services and

amenities, including Bitterne Train Station which is 0.1 mile to the north east. This is discussed in more detail below.

- 6.3 In terms of the proposed housing type there is an identified deficiency of specialist accommodation for adults with learning disabilities in the city which is accessible, adaptable and purpose built; and which have extensive communal areas and open space for citizens who require medium to high level of care. As a result, many of the residents have to be housed outside of the city at greater cost and often in isolation or greater distance from family members. Lack of purpose-built accommodation also leads to poor quality housing being used and greater burden on the local authority through the economy that grouping residents together can bring. The proposal would allow residents to enjoy a more independent life at the same time as having support available close by. The proposed purpose-built accommodation in this location has been deemed suitable for adults with learning disabilities by the council social workers and occupational therapists. Management arrangements would be put in place to ensure the living environment and location is safe for residents of this specialist accommodation,
- 6.4 The use is not opposed in principle having taken into account the land use designation for the site and relevant planning policies and is supported by policy CS16 that seeks an improvement of, and an increase in, the provision of homes for senior citizens and disabled people of all ages.

#### Impact of the design of the building on the character of the area

- 6.5 The proposal remains a significant improvement over the previously refused 2010 scheme and remains contemporary in form so retains similarities in style to the successful 2018 appeal scheme (18/00358/FUL), which the inspector did not oppose on the grounds of design or scale; along with the scheme approved by panel on the 12th March 2019 (18/02272/FUL).
- 6.6 When compared to both the appeal scheme (18/00358/FUL) and the approved scheme (18/02272/FUL) the main change to the proposal is the increase in accommodation proposed across four storeys of accommodation rather than three. The result is an increase in height and depth/footprint on upper floors of the building. These changes are summarised in the two tables below to aid comparison:

6.7

Height measurements		Difference from proposed max height (10.8m)	Difference from proposed max eaves height (8.6m)
Appeal scheme 18/00258/FUL (maximum)	9.5m	1.3m	- 0.9m
Appeal scheme 18/00258/FUL (lower roof section)	8.8m	1.9m	- 0.2m
Approved scheme 18/02272/FUL	8.7m	2.1m	- 0.1m
Neighbours ridge (186 Bitterne Rd West)	8.8m	2m	- 0.2m
Neighbours eaves (186 Bitterne Rd West)	6m	4.8m	2.6m

6.8

Footprint measurements (in sq.m)		Difference from proposed footprint at 1 <sup>st</sup> and 2 <sup>nd</sup> floors (125sq.m)
Appeal scheme 18/00258/FUL 1 <sup>st</sup> floor including terrace	122	3
Appeal scheme 18/00258/FUL, 1 <sup>st</sup> floor not including terrace	105	20
Approved scheme 18/02272/FUL, 1 <sup>st</sup> floor including balcony	110	15
Approved scheme 18/02272/FUL, 1 <sup>st</sup> floor not including balcony	84	41

6.9

In terms of design the proposal now seeks to enclose space that was an open first floor terrace under application 18/00258/FUL (dismissed at appeal). The same area of the site (to the rear of the main Bitterne Road West elevation and adjacent to Athelstan Road) was approved as a semi-

enclosed terrace at first floor level and open terrace at second floor level under application 18/02272/FUL. The current form, whilst also creating an undercroft at ground floor, is followed by two floors of accommodation above with a roof terrace now at third floor level.

- 6.10 The design of the building now includes a mix of both mansard and flat roof which is similar to the appeal scheme 18/00258/FUL. Similarly, the materials proposed and site coverage also share characteristics with the appeal scheme whereby the footprint significantly exceeds 50% of the site and there is a mix of contemporary materials proposed which in this case includes a mix of red multi facing brickwork, metal infill panels, aluminium window frames and doors; and green planted wall to provide a prominent design feature on the corner.
- 6.11 As previously noted in the report to Planning Panel associated with approved scheme 18/02272/FUL, the unusual shape and corner position of the site makes it difficult to directly reflect the appearance of properties on Bitterne Road West and, therefore, allows for some flexibility in design terms. The appeal inspector, when determining application 18/00258/FUL, also considered that in this circumstance it is reasonable to allow the development that exceeds 50% of the site due to the site's relatively small size, constrained nature and position in the middle of an urban area. The proposed plot coverage (122sq.m measured at first floor [including the terrace]) was therefore not deemed to be harmful to the character of the area and it was judged to provide a suitably efficient use of this plot. Likewise, when approving application 18/02272/FUL the Planning Panel judged the footprint of 110sq.m (measured at first floor) to also be acceptable. The proposal seeks a maximum footprint of 125sq.m which would be 15sq.m more than the approved scheme and 3sq.m more than the appeal scheme (when taking the terraces into account). When not taking the terraces into account the differences are 41sq.m and 20sq.m respectively.
- 6.12 In terms of height the Planning Panel have previously approved a scheme (18/02272/FUL) that had a maximum height of 8.7m which is 0.1m lower than the neighbour at 186 Bitterne Road West. The appeal inspector has also considered that a building measuring 9.5m on the corner and stepping down to 8.8m adjacent to 86 Bitterne Road West is also acceptable. This equates to being 0.7m taller than the neighbour at number 86 at the corner and where the appeal scheme stepped lower its height would have matched that of the neighbour.
- 6.13 When coming to a conclusion on the basis of the proposed height of the building the inspector considered that the height at 9.5m '*would be only modestly taller than adjacent pitched roof buildings. Furthermore, as a corner plot building in a prominent location a taller building is typical and often a suitable approach, and this is reflected in the Council's Residential Design Guide (2006)*'. As such the Inspector judged that the building would have a

height and scale that is acceptable in this location.

- 6.14 The proposed building, in comparison, would measure 2m taller than the neighbour at number 86 Bitterne Road West. This is also deemed to be fairly modest when considering the overall height of both building; and because it would only be an additional 1.3m taller than the appeal scheme.
- 6.15 Support is also given to the proposed additional height of the building after having regard to the guidance set out in the Council's adopted Residential Design Guide, as mentioned by the inspector, that allows taller buildings to be considered at street corners. The guidance goes on to state that '*Taller buildings can be used to create a visual focus at a street corner and an opportunity for mixed use and a focus for increased activity*'; and '*Each street, providing it is in character with the local area, should have a visual focus at the corner or end of a street that gives it a unique identity and a focus for increased vitality and activity*' and, '*this can take many forms such as ...'A building that is taller or larger in scale and proportion than the general scale and proportion of development in the street;*'.
- 6.16 In seeking to substitute the previous scheme for the current proposal the architect has aimed to create a positive and attractive marker building on this major junction that is positioned adjacent to one of the main east west routes into and out of the city. Officers have no objection to the resulting design.
- 6.17 In addition, the design seeks to lessen the visual impact of the change in building heights from 186 Bitterne Road West up to the proposed block by employing a mansard roof design adjacent to the neighbour, the eaves of which would be 8.6m in height and so would be 0.2m lower than the maximum height of 186 Bitterne Road West. The architect has also chosen to change the layout and shape of windows in the section of building closest to the neighbour with the aim of creating a smoother visual transition from building to building. The inspector has also acknowledged that there is no consistent architectural style in the area and describes the area as having a varied style and form of buildings. The proposed building therefore, in terms of its architectural style, is judged to be acceptable as it follows the two previous schemes by also having a modern appearance, with a key feature being the curved front elevation which would also now be enhanced by a living green wall, the specification of which has been submitted with the application. As such the building would similarly respond to the corner plot location of the site and the bend in the highway to the front. The design also retains variety and articulation to the proposed elevations, which add interest to the proposed building's appearance. The use of the terraces would also be in keeping with this design approach.
- 6.18 Taking all of the above into account, and whilst design tastes may vary, in this instance officers agree with the applicant that the proposal would be acceptable in design terms; including the characteristics of bulk, mass and

overall height. The principal reason is the corner location which allows for buildings that are larger than buildings found typically in the area. The building would also not be significantly taller than the neighbouring building and the design seeks to create a sensitive step due to the roof form and window position and style. The proposal would also not be significantly taller than the three storey buildings opposite. The area does have variety and the contemporary architectural style has not been opposed in the past by either the planning committee or the appeal inspector. In addition, the height and style of the building is not opposed by the Council's Urban Design Manager.

- 6.19 Use of high-quality modern materials will be needed in order to ensure the visual success of the scheme. Materials along with the green wall will be controlled by condition.

Quality of the residential environment produced for prospective residents

- 6.20 The proposed residential development is within walking distance of a range of local facilities and services with good access to public transport. Whilst cycling may not be an appropriate form of transport for the residents, staff would be able to also use bicycles and scooters (including e-bikes and e-scooters) to access local facilities and services; and to travel to the site. In particular there is a small parade of shops close to the application site on Bitterne Road West and there is a larger parade of shops on Bitterne Triangle which is approximately half a mile to the north. Bitterne District Centre is also less than a mile away to the east.
- 6.21 The proposal incorporates a roof terrace measuring 35sq.m for the occupants to share. The roof terrace would be positioned at third floor level and would include a privacy screen to prevent views from being achieved to the east. Whilst the amenity space provided therefore does not accord with the space requirements recommended in the residential design guide given the limited site area, the proposed nature of the occupation and proximity to Riverside Park, half a mile to the north, the quantum of amenity space is considered acceptable. It is also noted that the flats are compliant with nationally described spaces standards and the proposal incorporates a ground floor communal space for all residents and staff to share.
- 6.22 The privacy experienced by residents will be acceptable and natural surveillance of the street is achieved from habitable room windows. The ground floor entrance to the flats is also located so that it will be visible from the street.
- 6.23 Habitable rooms within the proposed buildings will all have good access to outlook, and daylight.
- 6.24 The Council's Scientific officers have not opposed the application which is accompanied by an air quality assessment that takes account of the

proximity of the site to the adjacent the air quality management area. It is noteworthy that air quality improves due to particulate dispersion at greater height so the position of residential at first floor and above is advantageous in this respect. The report and subsequent update identifies that the impacts of local traffic on the air quality for residents living in the proposed development have been shown to be acceptable. The report author has reviewed nationally set standards for air quality and survey data provided by Southampton City Council for this location when compiling the report. The conclusion to the report does not therefore recommend any mitigation measures in respect of air quality and considers that there should be no constraints to residential occupation at the site, with regard to air quality. The Environmental Health Team agree.

- 6.25 In terms of odour the neighbouring hot food takeaway has a flue which is positioned adjacent to the application site. The impact of the flue on the occupiers of the unit has been mitigated by designing the building so that there are no windows within the flank wall of the building and next to the hot food take away unit. The Air Quality and Odour Assessment concludes that given that odour effects at the proposed development are likely to be negligible, the odour impacts are judged to be insignificant. The Environmental Health Team also agree to this approach.
- 6.26 In relation to the safety and security of the residents with learning disabilities all individuals will have the appropriate level of support when going out in the community, so if there are risks in terms of road safety, their risk assessment will specify the level and type of support required, in order to keep them safe – for a number of potential residents this could mean direct 1:1 support.
- 6.26 In terms of the open space, the Council's Learning Disabilities Occupational Therapist has reviewed the plans and agrees that the needs of some of the potential residents could be met within the proposed roof terrace. It's also unlikely that all residents will use the terrace at the same time, as they will all have a personalised care plan ensuring supervision if necessary. The addition of the downstairs communal space is unusual for this type of specialist accommodation and is considered by our housing team to be a very positive aspect of the proposal which would provide a valuable space for a wide range of possible facilities and activities for the residents to enjoy.

Impact on the amenities of neighbouring and surrounding residents:

- 6.27 The proposed building is larger than the existing building on the site and as a consequence a greater shadow will be cast by it. The shadow diagram provided by the applicant indicates that in the evening, especially during the winter, neighbouring sites will, in part, be cast in shadow. However, in the summer months when the sun is higher in the sky the impact will be less. Overall the impact is acceptable as the position of the building to the north west of 1 Athelstan Road means that there will be no impact on the

occupiers of that property and due to the position to the west of 186 Bitterne Road West there will not be a significant impact throughout most of the day. In addition, the rear of 186 is not used as an amenity space rather it is laid to hard surfacing and used primarily for parking purposes.

- 6.28 The proposal will not harm outlook from habitable room windows of the neighbouring property.
- 6.29 A privacy screen will be used to ensure that neighbouring privacy is not harmed as a consequence of the raised balcony.
- 6.30 Provided that the occupiers of the proposed development behave reasonably neighbours' residential amenity in terms of noise and disturbance will not be significantly harmed.
- 6.31 The rear of the proposed building would be approximately 29m from the closest rear corner of the building at 1 Athelstan Road. The rear garden of number 1 Athelstan Road is also positioned to the south east of the application site meaning that the garden is not in the direct line of sight from the proposed south facing habitable room windows. As such, whilst it is acknowledged that some overlooking of the frontage to 1 Athelstan Road may occur at a distance of approximately 15m, the juxtaposition of proposed south facing habitable rooms windows and open edge of the terrace (not screened by privacy screen) is such that no harmful overlooking of the neighbour's garden would take place. Obscure glazing could be used to protect the amenity of the residents within the front garden of 1 Athelstan Road if this is deemed necessary.

Highways safety, car parking and access for servicing.

- 6.32 The proposal indicates one dedicated space for parking and identifies that the space will be used for servicing associated with the specialist accommodation. It is noted that the Highways Team are supportive of this approach and have not opposed the scheme. The Highways Team and the case officer acknowledge that servicing occurs from the rear of the site at present with servicing vehicles also parking at the rear. Whilst the proposal does not include turning provision on site existing servicing vehicles are also unlikely to currently be turning on site before re-entering the public highway. It is therefore deemed acceptable to support the current proposal given that the changes are not judged to be significant in terms of highways safety and represents improvements over the current situation as sight lines can be secured by condition.
- 6.33 The site is within a medium accessibility area. The location is well served by public transport and it is not considered that the occupiers of the residential units will be car owners.

- 6.34 Therefore, whilst the adopted maximum parking standards would allow up to two parking spaces per residential unit, the figure is an absolute maximum and sites may not always be capable of delivering more parking. A suitable balance is needed, and SCC standards do allow for car free development. In this particular case one space to serve the development, to be managed by staff for servicing purposes is considered acceptable.
- 6.35 The assessment has been made having also taken account of the submitted car parking surveys that have been prepared by Paul Basham Associates. Parking surveys were undertaken within a 250m radius of the site, in accordance with the Lambeth Methodology and Southampton City Council's adjusted Parking Survey requirements in consultation with the Council's Highways Team. The first survey (covering Sunday 3<sup>rd</sup> February and Tuesday 5<sup>th</sup> February 2019 [22:00] and submitted with application 18/02272/FUL) shows that there is sufficient available capacity (6 spaces [see appendix 9]) within the local area to accommodate parking that may be required as a consequence of staff visiting the development. The second parking survey (covering Tuesday 20<sup>th</sup> April [22:00] and Sunday 25<sup>th</sup> April [22:00] 2021) shows a significant increase in car parking availability with up to 58 spaces available and as such also shows sufficient on street car parking is available.
- 6.36 In terms of parking the proposal is also likely to have a lower demand than the customers, staff and residents of the previously approved scheme and so represents a betterment in this respect.
- 6.37 The historic or current arrangement whereby neighbours and visitors to the site; and visitors to nearby commercial units, park on the site is not a material planning consideration given that the current arrangement could be ended irrespective of planning permission being granted. This is again a civil matter.
- 6.38 Objectors to the previous scheme, in particular those who live within the row 186 – 194 Bitterne Road West and who have access over land to the rear of the site to access their properties (including by car), were concerned that as a direct result of the proposal current problems associated with gaining access to and from the rear of their properties will be exacerbated. Whilst Officers understand the frustration that may occur in the event of the access being blocked the point is immaterial to the determination of this planning application. The applicant should not be penalised for the unlawful parking of vehicles on a privately-owned service route. Local parking pressure and illegal parking practices are acknowledged however they cannot be directly attributed to the proposed development. The application must be determined with reasonable behaviour in mind.
- 6.39 No objection has been raised to the proposal from the Highways Development Management Team. Refuse and cycle storage, as well as parking on site, can be achieved and the scheme, in highways terms, is not

dissimilar to the previously approved scheme.

#### Air Quality and the Green Charter

- 6.40 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.
- 6.41 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.
- 6.42 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m<sup>3</sup>. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:
- Reduce pollution and waste;
  - Minimise the impact of climate change
  - Reduce health inequalities and;
  - Create a more sustainable approach to economic growth.
- 6.43 The application has addressed the Green Charter and the air quality impact of the development by the addition of a green wall and provision of energy and water efficiency measures.

#### Mitigation of direct local impacts

- 6.44 The application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the limited impacts associated with a development of this scale, a package of contributions and obligations would be required as part of the application if the application were to be approved. The main area of contribution for this development, in order to mitigate against its wider impact, is expected to be for highway works and these works will be secured via a Section 106 legal agreement. These works will be improvements to pedestrian and cycle facilities within the vicinity.

- 6.45 In addition, there will need to be the contribution towards mitigating impact on the Solent Special Protection Area, the use will need to be limited to occupation of the building for use as specialist supported accommodation managed by Southampton City Council's adult social care team; and a highways condition survey will need to be secured.

#### Habitat Regulations

- 6.46 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) and the Panel need to agree that the impacts caused from the new dwellings can be mitigated as discussed in the attached Habitats Regulations Assessment and the final reason for refusal has been addressed.
- 6.47 The previous scheme was also dismissed for failing to mitigate the impact of the development by reason of nitrogen from waste water it the consequential impact on designated sites (Natura 2000); this will however, now be mitigated and secured through the Section 106 legal agreement.

#### **7. Summary**

The Council is committed to providing high quality residential environments for all citizens of the city including for people with disabilities and aim to work with developers to make efficient use of available land. Permission is sought for a well-designed scheme secured for specialist purpose-built accommodation on previously developed land which is within close proximity to a train station. As such the scheme fulfils the requirements of the NPPF.

## **8. Conclusion**

Having taken account of all relevant material planning considerations which include the approved scheme (18/02272/FUL), the scheme dismissed by the appeal inspector (18/00358/FUL), and the proposed use as specialist accommodation, it is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below.

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

1 (a) (b) (c) (d), 2 (b) (d), 4 (f) (g) (vv), 6 (a) (b), 7 (a).

### **MP for 13/07/21 PROW Panel**

### **PLANNING CONDITIONS**

#### **1. Full Permission Timing Condition (Performance)**

The development hereby permitted shall begin no 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).

#### **2. 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. In accordance with the submitted floor plans at no time shall the ground floor of the development hereby approved be used as residential accommodation.

Reason: For the avoidance of doubt and in the interests of proper planning and the interests of the quality for the residential accommodation provided.

#### **3. Cycle storage facilities (Pre-Commencement Condition)**

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

#### **4. Refuse & Recycling (Pre-Commencement)**

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the

agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at [Waste.management@southampton.gov.uk](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements.

5. Details & samples of building materials to be used [Pre-above ground work condition]

Notwithstanding the approved plans no above ground works shall be carried out unless and until a detailed schedule of materials and finishes including samples (of bricks, roof tiles and cladding) to be used for external walls and the roof of the proposed buildings; and all boundary treatment, has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, window reveal depth, window sill details, panel tints, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details.

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.

6. Balcony & Terrace Access [Pre-Occupation Condition]

The external balcony and terrace serving the development hereby approved shall be carried out in accordance with the approved plans and made available prior to the first occupation of the development hereby permitted. The balcony space shall be retained with access to it at all times for the use of the occupants thereafter in perpetuity.

REASON: To ensure the provision of adequate amenity space in association with the approved development.

7. Balcony Privacy Screen [Pre-Occupation Condition]

Before occupation of the development hereby approved full details of the privacy screen proposed to be added to the raised terrace, used to prevent overlooking of neighbouring properties to the east, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be erected prior to the occupation of the building and subsequently shall be retained.

Reason: To protect the amenities and privacy of occupiers of the adjoining property

8. Windows and doors opening inwards and not to overhang public highway [Performance Condition]

The doors providing access to the ground floor hereby approved shall open into the building and at no time shall windows or doors encroach onto or overhang the public highway.

Reason: In the interests of highway safety

9. No other windows or doors other than approved [Performance Condition]  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings other than those expressly authorised by this permission shall be inserted at first and second floor level within the buildings hereby approved without further prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

10. Hours of Work for Demolition / Clearance / Construction (Performance)

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 to 18:00 hours

Saturdays 09:00 to 13:00 hours

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.

11. Construction Management Plan (Pre-Commencement)

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 Construction Method Plan for the development. The Construction Management Plan 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 construction and their reinstatement where necessary; and

(e) measures to be used for the suppression of dust and dirt throughout the course of demolition and construction;

The approved Construction Management Plan 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.

12. Wheel Cleaning Facilities (Pre-commencement)

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 vehicle 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. On site vehicular parking [Performance Condition]

The approved vehicular parking space shall be constructed and laid out in accordance with the approved plans prior to the first occupation of the development hereby approved. The parking space approved shall be permanently retained for servicing and parking purposes associated with this development thereafter for the lifetime of the development.

Reason: To avoid congestion of the adjoining highway and in the interests of highways safety.

14. Measures to prevent additional parking (Pre-Occupation Condition)

Prior to occupation measures to prevent vehicle parking outside of the defined parking space provided and agreed on site shall be submitted to and approved in writing by the local planning authority. Once approved the measures shall be implemented prior to occupation of the building.

Reason: In the interests of highways safety.

15. Archaeological structure-recording [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of recording 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 recording of a significant structure is initiated at an appropriate point in development procedure.

16. Archaeological structure-recording 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.

17. Archaeological watching brief investigation [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

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

18. Archaeological watching brief 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.

19. Land Contamination investigation and remediation (Pre-Commencement &

Occupation)

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.

#### 20. Use of uncontaminated soils and fill (Performance)

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.

#### 21. Unsuspected contamination (Performance)

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. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by 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.

#### 22. Public sewer protection (Performance)

Prior to the commencement of development, details of the measures to protect the public sewer from damage during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the public sewer.

#### 23. Foul and surface water sewerage disposal - Pre-commencement Condition.

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority, in consultation with Southern Water. Once approved the development shall take place in accordance with the agreed details.

Reason: To ensure correct disposal of foul and surface water is achieved from the site.

#### 24. Energy & Water [Pre-Construction]

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a minimum 19% improvement over current Building Regulation part L Target Emission Rate requirements and 105 Litres/Person/Day internal water use. Design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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 (Amended 2015).

#### 25. Energy & Water [Performance]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over current Building Regulations Target Emission Rate (TER) requirements and 105 Litres/Person/Day internal water use in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified 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 Adopted Core Strategy (Amended 2015).

#### 26. Landscaping 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 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; 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.

Note the landscaping plans should:

- o Not include excessive amounts of concrete or tarmac surfacing, block pavements should be used to the rear to define the private space. Migratory materials will not be accepted where spillage onto the public highway is likely to result.
- o Identify that no surface water from the site shall run onto the public highway. Details shall be included explaining how this will be prevented.
- o Boundary treatment will be needed to define the rear of the site. A low brick-built wall should be used to do this.
- o Boundary treatment shall not include timber fencing adjacent to the public highway.

#### 27.Green wall specification and maintenance [Pre-Commencement Condition]

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until a specification and management plan for the green wall, including the irrigation system, is submitted and agreed in writing with the Local Planning Authority. The green wall 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 by a qualified maintenance company for the lifetime of the development.

Reason: To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 and CS23, combat the effects of climate change through mitigating the heat island effect and enhancing energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22, contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13, improve air quality in accordance with saved Local Plan policy SDP13.

#### 28.Sightlines [Performance Condition]

The boundary treatment of the site adjacent to Athelstan Road and the boundary treatment within 2m of Athelstan Road, measured along the southern boundary, shall

not exceed 600mm in height. The approved sightlines shall be provided before the occupation of the building and maintained in perpetuity.

Reason: To provide safe access to the development and to prevent congestion on the highway.

#### 29. Waste Management [Pre-Occupation Condition]

Prior to the occupation of the development hereby approved a waste management plan shall be submitted to and approved in writing by the local planning authority. Once approved the occupation of the building shall be implemented in accordance with the approved waste management plan. The waste management plan shall detail the arrangements made to ensure that refuse is moved from the refuse store to the highway for collection purposes on a weekly or two weekly basis. At no time other than collection day shall refuse be stored on the public highway.

Reason: In the interest of visual and residential amenity.