

lightiPlanning and Rights of Way Panel 1st June 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: The Stables, 60A The Avenue, Southampton			
Proposed development: Redevelopment of the site. Erection of a 2.5-storey building containing 6 flats (3 x 2-bed, 3 x 1-bed) with associated parking and cycle/refuse storage (Outline application seeking approval for Access, Appearance, Layout and Scale) (Resubmission 20/01054/OUT) (Amended)			
Application number:	21/00044/OUT	Application type:	OUT
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	ETA till 12.06.2021	Ward:	Freemantle
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Leggett Cllr Shields Cllr Windle
Referred to Panel by:	n/a	Reason:	n/a
Applicant: Goldhorse Consultancy Ltd		Agent: Toldfield Architects Ltd	

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

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. 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 39-42 and 46 of the National Planning Policy Framework (2019). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, SDP16, H1, H2, H7, HE1 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS7, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History	4	Appeal decision 39 Archers Road

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Planning & Economic Development to grant planning permission

subject to (i) the submission of a satisfactory bat emergence survey to assess whether there is any potential adverse harm to protected bat species as the result of the building demolition. *In the event that an acceptable survey is not received 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 an acceptable emergence survey,* and (ii) the planning conditions recommended at the end of this report, and (iii) the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. 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; and
 - iii. 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.
 - iv. A restriction that no parking permits for the surrounding streets be allocated for the future occupants of the development.
3. That the Head of Planning & 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.

1. The site and its context

- 1.1 The application site is located to the west of The Avenue in a backland location to the rear of no. 60 The Avenue. The site access has a right of way along a private narrow lane leading to a parking area at the rear of nos. 58-61 which is accessed from the start of Cavendish Grove/The Avenue shared by other adjacent premises. Pedestrian and vehicle access to the site is gained via the existing private lane which both serves the residential car park of Temeraire (north) and the access/parking for the Spiritualist Church/Cavendish Hall and commercial premises of nos. 58 to 61. Cavendish Grove is a private road. The perimeter of the site borders The Avenue Conservation Area To the west in the parallel street Hulse Road, the recently built houses and flats in Moore Close can be seen in the backdrop to the site which ranges from 3 to 4 storeys. There is a strong mix of residential and commercial uses in the vicinity. The Avenue is a central location well served by public transport in and out of the city centre, within 600m walking distance to the city centre and 300m from the entrance of the Common.
- 1.2 The site comprises office buildings known as The Stables, which is formed from two separate 2 storey buildings that address each other via a central courtyard space. To the west, the two buildings are attached to each other via a covered carport area at the far end of the site, currently used for parking cars. These buildings are not listed for their heritage status and with the alterations to the original fabric and features over its lifetime is no longer considered to have any heritage significance of value remaining. The canopy of a large TPO protected Oak tree overhangs part of the southern boundary of the site, and a smaller Sycamore tree on the

western boundary in the rear garden of Forest Lodge care home.

2. Proposal

- 2.1 The application seeks outline permission for residential redevelopment comprising 6 flats (3 x 2-bed, 3 x 1-bed) in a 3 storey block (2 storeys with accommodation in the roofspace served by dormers and a well recessed second floor central staircore), with all matters (Scale, External Appearance, Layout and Access) for consideration except landscaping details which are currently reserved for a later submission. Since the validation of the application, the scheme has evolved following officer negotiations to reduce the scale from 3 to 2 storeys (plus rooms accommodation in the roof) and to lessen the mix of 2 bedroom flats (by 2 units) from 5 x 2-bed and 1 x 1-bed. The scheme follows a previously withdrawn application (LPA ref no. 20/01054/OUT) which sought permission for a far more intensive and greater plot coverage which comprised of a part 3-storey, part single storey building containing 7 flats (5x 2-bed, 2x 1-bed).
- 2.2 The proposal is served by 1 parking space to the front of the proposed block. A rear garden provides 185sqm of communal amenity private space (equates to 30sqm per flat – 10sqm/flat above the minimum requirement). The table below sets out the proposed internal flat sizes and whether or not they comply with the Nationally Described Space Standards (NDSS - 1 bed = 39 or (37sqm with shower) & 2 bed = 61sqm).

Floor/Flat	Floor Size sqm	National Standard	Compliance
GF 1 bed	45	39	+6sqm
GF 2 bed	55	61	-6sqm
FF 2 bed	56	61	-5sqm
FF 2 bed	56	61	-5sqm
SF 1 bed	43	39	+4sqm
SF 1 bed	43	39	+4sqm

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 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 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.

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 29.01.2021 and erecting a site notice 29.01.2021. At the time of writing the report **11 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Lack of off-road parking available as the residents are likely to own cars which will result in residents parking in Cavendish Grove, a private road, where there is an ongoing problem with illegally parked vehicles blocking access to the entire road for residents, delivery vehicles and importantly emergency vehicles etc. This impact will be compounded by another nearby application for the conversion of no. 61 to 6 flats without off-road parking (LPA ref no. 20/01650/FUL granted permission by officers on 27th April 2021 with 2 parking spaces at the rear). There could also be issues with residents parking on the private land at the rear of Temeraire, or the private land at the rear of 59, 60 & 61 The Avenue. The access road to the site off the Avenue is via the end of Cavendish Grove which is a private unadopted road. Maintenance of this end is a real issue where much of the damage is caused by vehicles not belonging to residents of Cavendish Grove at all but local businesses in particular. Heavy builders vehicles will probably cause further serious deterioration which should not be the responsibility of Cavendish Grove residents to repair. No consideration of difficult emergency vehicle access along narrow road putting existing buildings at risk of damage. The 90 degree bend with limited visibility and narrow lane leading to the access point on The Avenue/Cavendish Grove is inadequate to cope with increase of traffic, including visitors and delivery vehicles, causing adverse road safety problems.***

Response

The Council's Highways Team has raised no objection to the impact on road safety and parking overspill from the development. The site is located within a sustainable location, in close proximity to the City Centre, and is accessible by public transport, bike and on foot. Therefore a level of parking provision below the Council's maximum car parking standards can be supported in this location. The concerns of local residents are acknowledged, however, the Council is unable to enforce against illegal parking on private land and private roads. When considering the overall positives of the development as a whole – particularly in respect of housing delivery whilst maximising previously developed land in a very sustainable location - against the objectives of the relevant national and local planning policies, there is insufficient material weight in this reason alone to warrant the refusal of an acceptable windfall housing site coming forward to help boost housing supply in the city.

5.3 ***Over-development and out of keeping with surrounding properties within the Conservation Area and will be visible from The Avenue and entrance to Cavendish Grove. It abuts Cavendish Hall (ie it lies within the grounds of curtilage of a listed building), which will be in danger of being damaged during either demolition of the existing building or construction of the new one and will adversely harm the buildings historical character. The former stables building should remain because of its historical value. A more sympathetic design of new mews houses/flats or converting the existing building would be preferential to the overbearing high building proposed.***

Response

Cavendish Hall is not a listed building and it would be the applicant's own legal responsibility to ensure the safety of building works affecting the party wall of Cavendish Hall. The design and siting of the residential flatted block is not considered to adversely harm the setting of the conservation area and the historical significance of adjacent buildings, nor be out of keeping with the surrounding character and context. The loss of the former Stables building can be accepted due to its low historical value of significance. The Council's Conservation Officer and Design Officer have raised no objection to the scheme following amended plans received to reduce the scale and height of the flatted block.

5.4 **Occupants of 31 Moore Close are concerned about the boundary of the shared wall between their garden and the new development given the safety of the old wall and it might collapse during construction. They have experienced a serious fall of the wall that is shared with the church. Their children were playing close to the wall at that time. The old wall should be reinforced and any replacement wall should be tall enough to protect privacy of garden.**

Response

The landowner has a duty of care to ensure boundary walls are safe.

5.5 **Loss of light to neighbouring occupiers due to the height of the building. Increased noise disturbance to local residents from more intensive residential use of the site, where residents of Temeraire have been affected by greater footfall of the Moore Close development.**

Response

The comings and goings associated with the 6 flats is not considered to be out of keeping or cause any significant greater disturbance than the existing traffic and movements associated with the existing premises and residential properties using the access lane. The siting and scale of the development is sufficiently spaced from the adjacent residential properties to ensure neighbouring occupiers maintain adequate access to light, privacy and outlook in accordance with relevant standards set out in the Council's approved Residential Design Guide SPD.

5.6 **The heavy traffic and building works will be disruptive to the Spiritualist Church which is a registered charity and this will affect access for wheelchair users to the Church. The agreement for Church parking to use nearby solicitors office at no. 58 will be put at risk.**

Response

The applicant confirms they have a right of access across the land and, therefore, any dispute over damage or trespass affecting other landowners would be a civil matter outside the Council's control. A construction management plan condition – including restricted hours for demolition/construction is recommended to ensure the method of construction is undertaken in a reasonable manner to minimise disturbance to neighbouring properties.

Consultation Responses

5.7 Consultee	Comments
Ward Cllr David Shields	I wish to object to this planning application with specific regards to safe access and inadequate off-street parking provision. The access route to the proposed development is very tight and there could be congestion with accessing vehicles with increased traffic movement caused by both this and neighbouring development. The proposed development is for six dwellings which is likely to require a need for more parking provision than the one space currently planned which would place pressure on parking in nearby streets such as Cavendish Grove. The provision six cycle parking spaces is welcome. Nor is it clear whether the proposed high population density residential development is in keeping with the special needs of a conservation area.
City of Southampton Society	Objection. The difficulties with this application concern access and parking. The lane leading to the site is very narrow (single lane) and difficulties could arise from

	increased traffic movement. The proposed development is for six dwellings which would be likely to generate a need for more parking provision than the one space planned. This would lead to vehicles being parked inappropriately in roads near to the site, for example, in Cavendish Grove.
Highways	No objection. The principle of development is considered acceptable. The application can be supported, subject to securing measures via the Section 106 agreement, to further enhance the sustainable transport connections for future residents of this mostly 'car-free' development.
SCC Trees	No objection
Archaeology	No objection subject to conditions
Ecology	<p>Objection. The submitted initial bat survey report recommends an emergence survey is undertaken to check potential bat roost features on one of the buildings. The findings of such a survey have not been submitted and as such permission should not be granted until they have. In addition, the submitted bat report is out of date.</p> <p><u>OFFICER RESPONSE</u> <i>The applicant has been unable to carry out a further survey until May since receiving the application in January. The Ecologist has accepted to postpone the survey till after a resolution by the Panel to grant planning permission. The survey will take place following resolution to grant permission as per the above recommendation.</i></p>
Environmental Health	No objection
SCC Contamination	No objection subject to conditions
Conservation Officer	<p>It is acknowledged that the heritage interest attached to these units as individual buildings would be considered low, and as such, it would be difficult to sustain a refusal for their loss from a conservation perspective at this time. A reduction in the overall height of units would be preferred from a conservation perspective so it is not domineering of the Spiritualist Church and Church Hall and, however, should you be minded to approve the proposal in the planning balance, securing the use of good quality materials, joinery and workmanship by way of conditions would be advised.</p> <p><u>OFFICER RESPONSE</u> <i>Following the reduction in building height to 2 storeys with accommodation in the roof the Conservation Officer has removed their objection.</i></p>
SCC Design Officer	No objection following amendments in scale and height
Sustainability	No objection subject to conditions
Southern Water	No objection

6.0 **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
 - Design and effect on character;

- Residential amenity;
- Parking highways and transport and;
- Likely effect on designated habitats.

6.2 Principle of Development

6.2.1 The site does not have an existing policy allocation and is not safeguarded for office development. The proposed residential redevelopment would represent windfall housing development. The Local Development Framework Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. The City has a housing need, as detailed in Policy CS4 with an additional 16,300 homes needed within the City between 2006 and 2026. However it should be noted that up to 2021/22 the Council has sufficient completions and allocations without needing to rely on any windfall housing. It should also be noted that if the existing office accommodation is lawful, then the existing building could be converted in residential accommodation under prior approval provisions.

6.2.3 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in medium accessibility locations such as this, density levels should generally accord with the range of 50-100 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 148 d.p.h which, whilst it does not accord with the range set out above, needs to be tested in terms of the merits of the scheme as a whole. This is considered to be a suitable location for a higher density residential scheme in a sustainable location near the city centre and is not uncharacteristic of other flatted blocks nearby and mixed range of uses in the vicinity. Furthermore, without physically over-developing the site in terms of footprint to plot coverage ratio this scheme seeks to optimise previously developed land to assist housing delivery.

6.2.4 Balancing the positive benefits of making efficient use of previously developed land in an urban area to deliver housing on a windfall site, the loss of the existing commercial premises can be supported given the age and condition of the existing building is not suitable for re-purposing or for re-use. Furthermore, the existing building is not considered to hold significant heritage value nor is protected by The Avenue Conservation Area. As such, the principle of development can be supported.

6.3 Design and effect on character

6.3.1 The site is located on the outside edge of The Avenue Conservation Area and does not directly fall under its heritage asset designation. In assessing the harm to the character and context of the local vicinity, careful consideration should be given to i) respecting the spatial pattern of development and hierarchy of building height transition in this backland location from the 3 storey building frontage on The Avenue, and ii) respecting the historical setting and value of the adjacent buildings in the conservation area. The loss of the existing building has been accepted by the Conservation Officer given that the historic assessment of the building (following validation) demonstrates that it holds limited historical value of significance due to the loss and severe alteration of the original fabric over its lifetime. In acknowledging the main concerns of the Conservation Officer, the height and scale of the proposed flatted block has been reduced from 3 to 2 storeys with accommodation in a third storey roof, so it does not adversely harm the setting of the adjacent and nearby buildings in the conservation area, including the Spiritualist Church and Cavendish Church Hall.

6.3.2 The design and appearance of the proposed residential block itself is not out of keeping with the mixed style of buildings in the surrounding area. Especially given the extensive footprint coverage by the existing building, and other adjacent buildings in this backland location of a

similar 2.5 storey scale and height in the conservation area. It should be noted that the recent residential development in Moore Close to the west of the site (Hulse Road) introduced a 2.5 storey backland form of housing next to the conservation area boundary (nos. 25-30 Moore Close). While the site coverage by the existing building is very extensive, the coverage of the proposed development will be significantly less (216sqm). This equates to just over 50% of the development area of the plot and, therefore, would not be considered as an over-development in this urban context and local character.

6.3.3 The Tree Officer is satisfied with the proposed tree protection measures to ensure that the siting of the development would not adversely harm the protected trees to be retained.

6.4 Residential amenity

6.4.1 The siting and orientation of the flatted block provides a sufficient gap between the residential properties directly overlooked to the east (60 The Avenue and recent flats conversion approved for no. 61 under permission no. 20/01650/FUL) and west (Forest Lodge and 31/32 Moore Close) to maintain adequate access to light, outlook and privacy for the neighbouring occupiers. This relationship has been improved further by the reduction in height and scale of the proposed flatted block.

6.4.2 With reference to the table in paragraph 2.2 of the report, the floor sizes of the three 2 bedroom flats are slightly deficient of the nationally described minimum space standards by 5 to 6sqm. Whilst it is good practice to comply with the national floor space standards, the requirement is not adopted policy in the Council's Local Plan so it cannot be insisted upon. In addition, the quality of living conditions for future occupiers should be judged against the acceptability of the internal layout and access to daylight, outlook and privacy. On balance, the well-laid out internal and external layout of the flats are considered to provide a good standard of housing even with the slight deficiency of floor area. The smaller units all comply. Furthermore, the 185sqm of communal amenity private space provides in excess of the minimum standards of 20sqm per household (equates to 30sqm per flat).

6.5 Parking highways and transport

6.5.1 The site is situated off The Avenue via a small stretch of unadopted highway and then private land. There are similar uses in the near vicinity and in terms of trip rates, the existing office and storage uses will likely generate more trips over the peak hours as well as daily trips. The location is outside the city centre but is still within walking distance to it, as well as having close access to sustainable transport and public amenities. The access has been established already and with the reduction in likely trip rates, it is not considered to generate any significant impact on the highway, as vehicles (including servicing vehicles) using this access would likely reduce. Therefore, the principle of development is considered acceptable.

6.5.2 It is noted that the re-submitted plans provide additional lighting to improve pedestrian and cyclist visibility on the bend on the approach to the site entrance, adjacent to the back/side of the spiritualist church (para. 7.1.6 of Design and Access Statement). Due to the narrow space and shared use surfacing, vehicle speeds will be low along the driveway and so the addition of lighting is deemed acceptable as a means of mitigating any existing visibility issues.

6.5.3 There would now be a statutory requirement for the Council's waste team to collect bins from this site because the scheme is for residential development. The access is private and is quite narrow with no guarantee of on-site turning for large vehicles, it is recommended that the Council's waste team would not be expected to go into the site. For this reason, this site would have to be serviced by a private management company where the servicing needs can be tailored for this site. The Highways Officer is satisfied this is the intention from reading section 13 of the applicant's Design and Access Statement.

6.5.4 The Council's adopted parking policy is based on maximum standards (9 parking spaces in this case) so a residential scheme that provides less spaces than the maximum level can be supported in a sustainable location such as this. No parking survey has been undertaken to assess the kerbside capacity for local streets within a 200m radius. This is not an automatic policy requirement but can be helpful to the decision maker. That said, the majority of streets are covered by parking restrictions including permit zones to the east of The Avenue, whilst Cavendish Grove is a private road so future residents are not entitled to park in these locations. The Highways Officer is satisfied the site is within comfortable walking and cycling distances to nearby amenities, employment hubs and the city centre. The site is also close to good public transport links to encourage greater use of sustainable modes of transport. Overall, the site is sustainably located to support car free living for future residents of these 1/2 bed units and, furthermore, would not adversely harm the amenity of nearby residents from the displacement of street parking. Whilst a nearby flatted conversion (4x 1-bed and 2x 2-bed) was recently approved at 61 The Avenue (LPA ref no. 20/01650/FUL) with limited off-road parking available (2 spaces), it would have been necessary to apply the same parking policy principles for a car free/low level ownership scheme. That said, the Council should consider the parking impact of each application according to its own individual circumstances. It should also be noted that a Government Planning Inspector found that provision of less than the maximum car parking standards was appropriate at 39 Archers Road (LPA ref no. 11/01336/FUL – see Appendix 4; refer to paragraphs 16-19) having regard to its highly accessible location close to the city centre.

6.5.5 Car-free use of the site will be further promoted by securing contributions under a S106 agreement to improve connections to nearby public transport stops. This comprises of a £3500 contribution towards bus stop improvements and installation of new Real Time Passenger Information systems on the southbound bus stop along the Avenue (in the near vicinity of the site).

6.5.6 Objections have been raised regarding parking overspill impact on local residential streets (Cavendish Grove – private road) and private parking areas of nearby residential and commercial properties. Prospective residents will be aware that car parking is restricted on the site and that surrounding streets are controlled parking zones, or private roads. Any unauthorised 'overspill' parking on private roads such as Cavendish Grove for example, would be a private matter, out of the control of the local authority. Nevertheless, if the units are sold/let to future occupants on the basis that car parking is not available, then this would not be a desirable place for car owners, instead the properties would likely be marketed at people (young professionals for example) without need to own a car.

6.6 Likely effect on designated habitats

6.6.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites. The requisite contributions will be secured through the S106 agreement.

7. Summary

7.1 In summary, the application has the positive benefit of housing delivery over the replacement

of an aging commercial premises which is no longer fit for purpose, and the condition and design of the building is not fit for repurposing. The scale and massing of the development in its backland position is sensitively designed to visually integrate with the scale, appearance and historical value of the adjacent buildings in the setting of The Avenue Conservation Area. With the low significance of the site's heritage value itself, officers are satisfied that the loss of the former Stables building, now turned office premises in its modern era, would not adversely harm local character and the setting of the conservation area. The concerns of illegal parking by local residents in Cavendish Grove and Temeraire are acknowledged, however, Officers are satisfied that this impact would not adversely harm their amenity on the basis that Council transport policies encourage the reduction of car ownership and dependency for environmental gain in this kind of sustainable location, and the Council is unable to enforce against illegal parking on private land or roads.

8. Conclusion

8.1 It is recommended that planning permission be granted outline planning permission 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) (c) (d) (e) (f) 4. (f) (g) (aa) (vv) 6. (a) (b) 7. (a)

SB for 19/05/21 PROW Panel

PLANNING CONDITIONS

01. Outline Permission Timing Condition (Performance)

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure, the scale, massing and bulk of the structure, and the landscaping (both hard, soft and including enclosure details) of the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
 - the landscaping of the site specifying both the hard, soft treatments and means of enclosures alongside its ongoing maintenance.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

02. 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, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, 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. 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.

03. 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;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated.

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.

04. 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.

05. 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 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.

06. 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.

07. External Lighting Scheme (Pre-Commencement)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity and site safety & security.

08. Archaeological watching brief investigation (Pre-Commencement)

No ground disturbance 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.

09. Archaeological watching brief work programme (Performance)

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.

10. Arboricultural Method Statement (Performance)

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement, namely AIA/AMS-KC/STABLES/001 Revision A dated February 2021, including the tree protection measures throughout the duration of the

demolition and development works on site.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

11. Protection of nesting birds (Performance)

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

12. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

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

13. Energy & Water (Pre-Commencement)

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a 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 (January 2010).

14. Energy & Water (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 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) 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 Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

15. Window restrictions (Performance Condition)

Prior to the first occupation of the development, all windows in the side elevations, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level and the rooflights in the rear roofslope shall be installed to have a minimum cill height of 1.7m from the internal floor level. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

16. Cycle storage facilities (Pre-Occupation Condition)

Notwithstanding the approved plans, 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. This shall include details of the provision of internal horizontal stands to secure each cycle, entrance locking system for residents, and specification of internal and external lighting to be fitted. The storage shall be thereafter retained as approved.

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

17. Refuse & Recycling (Pre-Occupation)

Prior to the occupation of the dwellings hereby approved, details of storage for refuse and recycling, together with the access to it and waste collection management plan, 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 dwellings are 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 at least 8 weeks prior to occupation of the development to discuss requirements.

18. Access & Parking (Pre-occupation)

Prior to the occupation of the dwellings, the development shall be implemented in accordance with the approved details including the provision of the access and parking and shall thereafter be retained for the duration of the lifetime of the development.

Reason: In the interests of securing safe access onto a classified road in the interests of highways safety.

19. Amenity Space Access (Pre-Occupation)

Before the flats hereby approved first come into occupation, the external amenity space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the flats.

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

20. 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.