

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 16th February 2010
 Planning Application Report of the Head of Division

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| Application address: St Coleman's Church, Warburton Road, Thornhill | | | |
| Proposed development: Erection of two-storey and three-storey buildings to provide 13 houses (3 two-bedroom, 9 three-bedroom and 1 four-bedroom) and 18 two-bedroom flats with associated access, parking and landscaping including stopping up and diversion of a public footpath and following demolition of the existing buildings | | | |
| Application number | 09/01282/FUL | Application type | Full Detailed |
| Case officer | Stephen Harrison | Application category | Q07 (Small Major) |

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| Recommendation Summary | Delegate to Development Control Manager to grant planning permission subject to criteria listed in report |
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| Reason for Panel consideration | Major development (small scale) requiring completion of legal agreement under Section 106 of the 1990 Act |
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| Applicant: First Wessex Housing Group Ltd | Agent: Kenn Scaddan Associates Ltd |
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| Date of receipt | 02.12.2009 | City Ward | Bitterne |
| Date of registration | 02.12.2009 | Ward members | Cllr Fuller |
| Publicity expiry date | 07.01.2010 | | Cllr Stevens |
| Date to determine by | 03.03.2010 IN TIME | | Cllr Letts |

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|--------------------------------|-------------------|---------------------|---|
| Site area | 0.4 hectares | Usable amenity area | 40-50sq.m per house 4sq.m balcony per flat 230sq.m communal |
| Site coverage (developed area) | Approximately 70% | | |
| Density - whole site | 78dph | Landscaped areas | Site frontage and car parking areas |

| Residential mix | numbers | size sq.m | Other land uses | class | size sqm |
|--------------------|---------|-----------|-----------------|-------|----------|
| Studio / 1-bedroom | | | Commercial use | N/A | N/A |
| 2-bedroom | 21 | 65-74 | Retail use | N/A | N/A |
| 3-bedroom | 9 | 105 | Leisure use | N/A | N/A |
| other | 1 | 96 | other | N/A | N/A |

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|---------------------|---------------------|-----------------------|------------------------|
| accessibility zone | low | policy parking max | 47 spaces |
| parking permit zone | no | existing site parking | informal |
| cyclist facilities | yes | car parking provision | 31 spaces (1 per unit) |
| motor & bicycles | 0 motor / 64 cycles | disabled parking | 2 spaces |

| Key submitted documents supporting application | | | |
|---|------------------------------------|----|---------------------------------|
| 1 | Design & Access Statement | 2 | Affordable Housing Statement |
| 3 | Code for Sustainable Homes (Water) | 4 | Arboricultural Method Statement |
| 5 | Contaminated Land Report | 6 | Ecological Assessment |
| 7 | Sustainability Checklist | 8 | S.106 "Offer" |
| 9 | Landscape Specification | 10 | Landscaping Statement |
| 11 | Transport Statement & Summary | 12 | Green Travel Plan |
| 13 | Statement of Community Involvement | | |

| Appendix attached | | | |
|--------------------------|-------------------------------|---|------------------|
| 1 | Development Plan Policies | 2 | Planning History |
| 3 | Suggested Planning Conditions | | |

Recommendation in full

1. Authorisation of the Panel be given to enter into a footpath diversion order under s.257 of the Planning Act, as it affects the southern part of the application site; and,
2. Delegate to the Development Control Manager to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement to secure:
 - i) Provision of affordable housing in accordance with Policies CS15 and CS25 of the adopted LDF Core Strategy (2010);
 - ii) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - iii) A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - iv) Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - Amenity Open Space (“open space”)
 - Play Space
 - Playing Field;
 - v) Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

And in the event that the legal agreement is not completed by the 13 week date (3 March) the D C Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Agreement.

Proposed Development and surrounding context

Context

The application site is located on the western side of Warburton Road at its junction with Lydgate Road. It comprises a redundant church and hall, two semi-detached bungalows and extensive hard-standing laid to car parking. The church was last used in 2001. The site is currently fenced off and used as a contractor’s site compound as part of the wider estates regeneration programme. The prevailing pattern of development is varied, albeit predominantly residential in nature and is formed by traditional two-storey terraced dwellings and larger flatted blocks set within open space settings. These blocks are typically between 5 and 13 storeys in height.

Proposal

The development of the site for 31 dwellings designed as a perimeter block of two and three storeys that wraps around a central parking courtyard accessed from Lydgate Road.

A modern design approach and palette of materials is proposed. The flatted blocks are typically 11m in height and finished with a flat roof. The dwelling houses are more traditional in appearance and are typically 8.5m in height (to ridge). Nine of these houses provide a bedroom within the roofspace served by a rooflight with an outlook across the central courtyard. The flats are located within the three storey blocks and are served by an internal lift.

The scheme seeks Code Level 3 for Lifetime Homes and Code Level 4 across the scheme as a whole. The whole scheme is to be affordable accommodation for the rented market.

The Grounds

Parking is provided, mainly, within a private rear courtyard that is accessed from Lydgate Road. A total of 23 parking spaces are provided within this courtyard and an additional 8 spaces are located along the Lydgate Road frontage. A communal bin store is integral to the proposed flatted blocks and the dwelling houses have private storage facilities.

The proposal retains the mature Lime tree along the site's southern frontage. Although this tree is not protected it is sited on City Council land and is, therefore, afforded a similar level of protection to that of a TPO.

All 13 dwelling houses have access to a private garden of between 40 and 50sq.m (varying in length from between 8m & 11m) and the flats have access to private balconies. In addition, plots 8-16 share 110sq.m of communal space and plots 23-31 share 120sq.m of communal space.

Relevant Planning Policy

LDF Core Strategy - Planning Southampton to 2026

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010) the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review, form the planning policy framework against which this application should be determined.

The relevant CS policies the "saved" policies from the Local Plan Review are set out at **Appendix 1**. The adopted LDF Core Strategy Policy CS3 is relevant in the determination of this application.

The site was not allocated in the Local Plan Review and the existing building was until recently in use for community purposes.

Sustainability Implications

Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan saved Policy SDP13 the applicants have submitted a 'Sustainable Development Checklist' to support their application and have made a commitment to achieving a Code for Sustainable Homes Level 4.

The Council's Sustainability Team has confirmed that they are able to support the requirement to achieve Code Level 4 rather than Code Level 3 (with the use of on-site renewables as required by CS20) stating that "it should be noted that this approach has been adopted given the specific circumstances which surround this particular application".

Relevant Planning History

The relevant site history for this site is set out at **Appendix 2** to this report

Consultation Responses and Notification Representations

The application is supported by a 'Statement of Community Involvement', which details how the applicants engaged with the local community prior to the formal planning submission. The applicants held 4 separate sessions between June and July 2009 and the comments received have informed the current planning application.

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 (17.12.09) and erecting a site notice (17.12.09). At the time of writing the report **no** representations have been received from surrounding residents.

Summary of Consultation comments

SCC Highways – No highway objection are raised to the proposal subject to the attached planning conditions and the completion of a S.106 legal agreement. The application site is located within an area defined as having “low” accessibility to public transport and services. The provision of 1 parking space per dwelling meets the Council’s maximum parking standards. Following detailed pre-application discussions the gated central courtyard has evolved and provides safe, well surveyed parking for residents. The proposed access onto Lydgate Road is acceptable.

SCC Sustainability – No objection raised subject to the attached planning condition to secure a development that meets the Code for Sustainable Homes level 4.

SCC Ecologist - No objection is raised to the proposed development. The Ecological Assessment submitted with the planning application indicates that the application site is of very limited value to local biodiversity. The ecology report makes a number of recommendations for biodiversity enhancements that could be incorporated into the proposed development. A planning condition should be applied to any permission to secure implementation of these measures.

SCC Environmental Health (Pollution & Safety) – No objection raised subject to the attached planning conditions regarding controls over the demolition and construction phase.

SCC Environmental Health (Contamination) – No objection raised subject to the attached planning conditions regarding land contamination.

SCC Access Officer - The Access Statement appears very thorough and mentions access for all and compliance with all things Part 'M'. The site is level so accessibility should not be a problem.

SCC Tree Team - The only important tree that can be affected by this development is a large Lime just off site to the south in Southampton City Council land. This tree can be easily retained provided it is adequately protected by fencing during construction. The rest of the trees within the site have limited amenity value and I have no objections to their removal. The two-leylandii hedges are to be removed and replaced with native hedging. Although the evergreen hedge has a screening benefit they are likely to cause future high hedge complaints so I therefore have no objections to their removal. The submitted landscaping plan shows 12 trees to be planted in the site. However, an opportunity is being

missed to plant larger tree species which will provide higher amenity value and greater environmental benefits, particularly in the car park areas where large trees are less likely to cause shading issues. These issues can be addressed by the attached landscaping condition.

SCC Landscaping Officer – The submitted landscaping proposals require additional work and clarification. These matters can be resolved with the attached planning conditions relating to landscaping.

SCC Regeneration & Renewal – The Regeneration & Renewal Team supports the proposal. The provision of new affordable housing will help to meet housing need and provide a more efficient use of the site.

The proposed redevelopment will bring more efficient use of the church site and help with the physical regeneration of the Thornhill area. It is understood that the church has not been in use for almost ten years, whilst the church hall has been underused for some time. The loss of the community facility will not adversely affect the local community. In terms of demand for churches in the area; we are not aware that any groups have been seeking such space for worship / prayer in this area. Generally most enquiries received for worshipping space focus on areas where there is more accessibility such as the district and town centres, and the city centre.

In terms of deprivation the Thornhill area has high levels of multiple deprivation including high levels of income deprivation, and high levels of crime. There are low levels of employment and education, skills and training in Thornhill. Since 2001 the Thornhill area has benefited from government regeneration funding of approximately £50m through the New Deal for Communities (NDC) programme and managed locally by the Thornhill Plus You team. The NDC programme is designed to address multiple deprivation factors including the health, education, living environment, crime and employment and training. The Thornhill Plus You team have worked with the Council to deliver street scene improvements at Hinkler Road, Decent Homes improvements work, extensive open space improvements to Hinkler Green, and the Better Neighbourhoods project, a major project to improve the living environment through improvements to housing areas.

SCC Housing - The Housing Development Team fully supports this application. The minimum affordable housing requirement from the proposed development is 11 units (i.e. 35% of 31 units). The land (owned by Thornhill Plus You) is being disposed of specifically for the provision of affordable housing. All 31 units will be for general needs rent. The mix will provide a range of unit types and sizes to meet housing need including larger homes with 3+ bedrooms and complies with the Family Housing policy requirements.

SCC Leisure Services – No objection raised subject to an off-site contribution being secured towards local playspace at Thornhill.

The Local Architect's Panel (LAP) – The scheme was presented at the pre-application stage and was generally supported. The layout was considered to be appropriate. Amendments have since been made to the Lydgate Road frontage, the surveillance of the rear car park, and the building detailing which has been improved.

Hampshire Constabulary – No objection raised. The recent statistics for criminal damage, rowdy behaviour, vehicle crime etc. for both Lydgate and Warburton Road are relevant. For the type of offences mentioned there were around 650 offences last year. The submission has incorporated previous comments, especially the gated entrance to the car park. The pergolas are welcomed and the scheme incorporates Secured By Design principles. A planning condition is needed to secure the details of the boundary treatments following the removal of the existing Leylandii.

Southern Water – No objection raised subject to conditions, foul sewage disposal can be provided but will require a formal application for a connection to the public sewer.

BAA – BAA raise no objection, the proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

Planning Consideration Key Issues

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

- i. The principle of development;
- ii. Design;
- iii. Residential Amenity;
- iv. Highways and Parking;
- v. Trees; and,
- vi. Whether or not the scheme mitigates sufficiently against its direct local impacts.

Principle of Development

The principle of redevelopment has been assessed against Local Plan policies H1 and H2 as acceptable. The application seeks to maximise residential use for this previously developed land, including the provision of 10 three-bedroom dwellings that are supported by private external amenity space that is fit for its intended purpose. The application proposes a net increase in family accommodation and would provide a genuine “mixed-and-balanced-community” as required by PPS3, LDF Core Strategy Policy CS16, Local Plan Policy H12 and Part 6 of the approved Residential Design Guide SPD.

Adopted LDF Core Strategy Policy CS3 seeks to protect existing community facilities unless it can be demonstrated that there are similar or replacement facilities in the same neighbourhood. The existing Church’s congregation numbers fell until it closed in 2001, and the associated hall was last used as a dance hall in 2006. The applicants have suggested that there are 4 other churches operating within 3 miles of the site. The Council’s Regeneration and Renewal Team have confirmed that they have not received any appropriate enquiries for continued use of this building to serve a community need. Its replacement with an affordable housing scheme is, therefore, supported in principle.

Design

Warburton Road is characterised, in this location, by family dwellings set back from the highway, and large areas of surface car parking and green open spaces. Tight-knit terraced housing sits alongside flatted blocks, including tall buildings of some 13 storeys. As such, there is no single defining feature or form of development although the existing church building reads as an anomaly within this context.

The proposed building has been designed as a two storey terraced building with rooms in the roof-space served by roof-lights to the rear. This design steps to a three storey block at both its southern end, and at the junction of Warburton Road with Lydgate Road. This design approach is consistent with the guidance contained within the Residential Design Guide as the additional scale and change in form marks two important views of the site on its approach. The chosen design solution is domestic in scale and appropriate for this location. The submitted street-scenes and modelling demonstrate that the proposed building will sit comfortably with its neighbours, especially when viewed from Lydgate Road and on its approach from the Bursledon Road junction.

A modern palette of materials is proposed, including a through colour render, facing brickwork and lead or zinc detailing and porch canopies. Further details can be secured with the attached planning condition.

The proposed level of development, at 78 dwellings per hectare, exceeds the Council's current guidance (of between 30 and 50 dph for areas of low accessibility) and the requirements of LDF Core Strategy Policy CS5. However it should be noted that the site is within 100m of a defined area of medium accessibility where 78dph would be compliant.

In good planning terms the consideration of density should not be the prime determination factor for an otherwise acceptable proposal. Density should only be taken as a final test as to the appropriateness of a scheme; and where a schemes layout and design is considered to be appropriate for its context (as is the case here) it is these assessments rather than an arbitrary density figure that should prevail.

In this case, it is accepted that to provide a viable proposal that delivers affordable family housing a higher density scheme will need to be employed. The proposed quantum of residential development also assists as part of a wider regeneration project. The existing pattern of development comprises high density living in the form of terraced housing and tall buildings. This scheme responds well to this context. It is considered that the proposed footprint and quantum of development is acceptable and would not result in any substantial harm to the visual amenities of the locality. The current scheme enables the better use of this previously developed land and assists the Council in meeting its housing requirements. It is considered that the design and appearance of the proposed building is acceptable, appropriate for its context and would not result in any substantial harm to the visual amenities of the locality. The application accords with Local Plan policies SDP1, SDP7, H7 as supported by Core Strategy Policy CS13.

Residential Amenity

Given the building's siting it is not considered that the proposed development will lead to any adverse impact on the surrounding properties in terms of overshadowing, loss of outlook or a significant loss of privacy. The main Warburton Road frontage faces an existing surface car park. As the development turns into Lydgate Road it reduces to two storeys and is set back from the highway to accommodate frontage car parking. This replicates the dwellings opposite and secures a front-to-front distance across the road of between 22m & 28m. This relationship is adequate and no objections have been raised by these affected residents. Any shadowing that falls outside of the site will affect public highway and not private amenity space. As such the application is considered to address the requirements of adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

The internal layout of the building is judged acceptable. All room sizes are acceptable and noise transfer between units can be mitigated at the Building Regulations stage. In accordance with the Council's current external space standards all units have access to external amenity space that is "fit for its intended purpose". The houses are supported by between 40 - 50sq.m of useable private gardens. Plot 1 (the 4 bedroom house) has direct access to 130sq.m of garden. Residents of the flatted units have access to private balconies (measuring approximately 4sq.m each) and communal space of 100sq.m is provided to serve each block. These spaces are useable, landscaped and suitable for their intended purpose. Whilst these areas do not strictly meet the required standard of 20sq.m per flat when considered in the context of affordable family housing delivery within a good residential layout this shortfall can, on balance, be supported.

Highways and Parking

Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. Applying the Council's adopted maximum standards (of 1.5 spaces per two/three-bedroom units and 2 spaces per 4) the residential units should be supported by no more than 47 spaces. The provision of 31 spaces (including 2 disabled spaces) on a 1:1 basis conforms to the Council's standards as set out in Local Plan Policy SDP5 and LDF Core Strategy Policy CS19. Cycle storage is private to each flat and residents of the houses will be provided with a lockable shed in their rear gardens. The Council's Highways Officer is supportive of these arrangements and the provision of the residential parking spaces within the courtyard area is considered to improve their security, especially as the applicants propose to operate a CCTV camera at the access to this parking court.

Trees

Adopted Local Plan policies SDP1(ii), SDP6(vii), SDP7(i), SDP12 (as supported by section 4.7 of the Council's approved Residential Design Guide) seek to ensure that major planning applications are supported by tree survey work and details of tree protection. The application is supported by an Arboricultural Method Statement, which has assessed the trees on the site to establish an acceptable development area. The proposals include the removal of a mature leylandii hedge and the retention of an off-site mature Lime tree to the south of the site. Both proposals are acceptable. The Council's Arboricultural Officer has raised no objection to the proposed footprint or the impact on the boundary trees. As such, the application is considered to safeguard the longevity of existing trees and accords with adopted Local Plan policies cited above.

S.106 Legal Agreement

In the event that the recommendation is supported the applicants have agreed to enter into a S.106 Legal Agreement with the Council in order to secure contributions towards transport and open space improvements that mitigate against the development's direct impacts. In addition, the proposed level of development triggers the need for a minimum of 11 units to be provided as "affordable" (applying Core Strategy Policy CS15). The applicants propose to offer all 31 dwelling units as affordable and this represents a significant benefit of the current proposal.

Summary

This application for the redevelopment of the St. Coleman's Church site with a residential scheme offers significant regeneration benefits as well as providing a good mix of affordable family housing. The site is accessible to good public transport links and the consideration of density should follow that of good urban design. On that basis the proposed density is not considered to be unduly harmful and the proposed development is supported. The loss of the existing community use has been justified in the context of Core Strategy Policy CS3.

Conclusion

This application has been assessed as being acceptable to residential amenity and its local context. The application is recommended for conditional approval, subject to the completion of the aforementioned S.106 Legal Agreement.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b), City Plan Review (Adopted Version) and the adopted LDF Core Strategy (2010)
SH for 16.02.10 PROW Panel

POLICY CONTEXTLDF Core Strategy - Planning Southampton to 2026

The LDF Core Strategy has now been formally adopted by the Council and now forms part of development plan against which this application should be determined. The following policies are relevant:

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|------|---|
| CS3 | Town, district and local centres, community hubs and community facilities |
| CS4 | Housing Delivery |
| CS5 | Housing Density |
| CS13 | Fundamentals of Design |
| CS15 | Affordable Housing |
| CS16 | Housing Mix and Type |
| CS19 | Car & Cycle Parking |
| CS20 | Tackling and Adapting to Climate Change |
| CS22 | Promoting Biodiversity and Protecting Habitats |
| CS25 | The Delivery of Infrastructure and Developer Contributions |

City of Southampton Local Plan Review – Adopted Version (March 2006)

A large number of the policies in the Local Plan Review - Adopted Version March 2006 have been “saved” either in part or full pending the subsequent preparation of other Development Plan Documents. Whilst there are no site-specific policies relating to this site within the City of Southampton, the plan contains general policies applicable to this development. This application needs to be assessed in the light of the following local planning “saved” policies:

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|-------|-----------------------------|
| SDP1 | Quality of Development |
| SDP4 | Development Access |
| SDP5 | Parking |
| SDP7 | Urban Design Context |
| SDP9 | Scale, Massing & Appearance |
| SDP10 | Safety & Security |
| SDP11 | Safety & Security |
| SDP12 | Landscape & Biodiversity |
| SDP13 | Resource Conservation |
| H1 | Housing Supply |
| H2 | Previously Developed Land |
| H7 | The Residential Environment |

Supplementary Planning Guidance

The following SPD/G also forms a material consideration in the determination of this planning application:

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

Other Relevant Guidance

| | |
|------|---|
| PPS1 | Delivering Sustainable Development (2004) |
| PPS3 | Housing (2006) |

RELEVANT SITE HISTORY

04/01211/FUL

Change of use from a church building to a storage and distribution centre (Use class B8) and the siting of a temporary storage container to the north of the church building.
REF 19.10.2004

“The proposal would result in the loss of a community facility contrary to Policy CLT2 of the City of Southampton Local Plan Review Revised Deposit Version (February 2003) which aims to protect such uses”

04/01745/FUL

Retrospective application for the change of use of church hall to a dance studio (D2).
CAP 25.01.2005

05/00076/FUL

Change of use from a church to a community resource centre
CAP 17.03.2005

07/01721/TEMP

Temporary change of use from Community Resource Centre (Use Class D1) to offices and storage (Use Classes B1 and B8) until July 2009.
CAP 13.12.2007

“The use would aid the community who are having there home improved and need the offices closely located in order to ask questions and the company needs the storage during this time. In all the scheme will benefit the community and as it is a temporary use the building can and will be reverted back to a community resource centre in compliance with the conditions imposed”

RECOMMENDATION: S106

CONDITIONS for 09/01282/FUL

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

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

REASON:

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

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

Notwithstanding the details shown on the approved drawings no development works (excluding the demolition phase) shall be carried out unless and until a schedule of materials and finishes (including full details of the manufacturers, types and colours of the external materials) to be used for external walls and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed 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. APPROVAL CONDITION - Refuse & Recycling Bin Storage – [Pre Occupation Condition]

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes with bins kept in their allotted stores on non collection days.

REASON:

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

04. APPROVAL CONDITION – Cycle storage [Pre-Occupation Condition]

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space has been laid out within the site for 31 bicycles to be stored, and for cycle stands to be made available for visitors to the site as specified hereunder. The cycle stores and stands hereby approved shall thereafter be retained on site for those purposes.

REASON:

To encourage cycling as an alternative form of transport

05. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the residents to this scheme.

REASON:

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

06. APPROVAL CONDITION – Hours of work for Demolition / Clearance / Construction
[Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays. Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the LPA.

REASON:

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

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

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

REASON:

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

08. APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)

No commencement of work pertaining to this permission, including the demolition phase, shall be carried out on the site unless and until there is available within the site, provision for all temporary contractors buildings, plant and storage of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site; and the provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the phased works and other operations on the site throughout the period of work required to implement the development hereby permitted in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

REASON:

To avoid undue congestion on the site and consequent obstruction to the access in the interests of road safety.

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

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

REASON:

In the interests of highway safety.

10. APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

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

11. APPROVAL CONDITION - Landscaping detailed plan [Pre-Commencement Condition]

Notwithstanding the details shown on plan ref: SO/Hs/731-1 Rev A before the commencement of any site works (excluding the demolition phase) a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, treatment of hard surfaced areas, details of CCTV and lighting shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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 scheme 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

12. APPROVAL CONDITION – Boundary fence [Pre-Occupation Condition]

Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site – including the replacement fencing along the site’s western boundary following the removal of the existing leylandii hedge - shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

REASON:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property

13. APPROVAL CONDITION – Lighting [Pre-Commencement Condition]

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 “Obtrusive Light Limitations for Exterior Lighting Installations”, by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

REASON:

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

14. APPROVAL CONDITION – Sustainable Drainage Systems [Pre Occupation Condition]

A feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and verified in writing by the Local Planning Authority prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system 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. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

REASON:

To conserve valuable water resources, in compliance with policy SDP13 (vii) of the City of Southampton Local (2006) and to protect the quality of surface run-off and prevent pollution of water resources and comply with SDP21 (ii) of the City of Southampton Local Plan (2006). To prevent an increase in surface run-off and reduce flood risk in compliance with SDP21 (i) of the City

of Southampton Local Plan (2006) and Code for Sustainable Homes: Category 4 - Surface Water Run-off

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

Written documentary evidence demonstrating that the development will achieve a minimum level 4 standard in the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006) as supported by Core Strategy Policy CS20 and as offered by the applicant in their email dated 13th January 2010.

16. APPROVAL CONDITION – Foul Sewerage

No development (excluding the demolition phase) shall take place until details of the proposed means of foul sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the agreed details.

REASON:

In the interests of securing appropriate sewerage infrastructure to serve the development as required by Southern Water in their letter dated 31st December 2009.

17. APPROVAL CONDITION – Foul Drainage

The proposed foul drainage system shall be fully sealed to prevent the ingress of flood water into the sewerage network.

REASON:

In the interests of securing appropriate sewerage infrastructure to serve the development as required by Southern Water in their letter dated 31st December 2009.

18. APPROVAL CONDITION - Residential - Permitted Development Restriction [Permanent Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

- Class A (enlargement of a dwelling house), including a garage or extensions,
- Class B (roof alteration),
- Class C (other alteration to the roof),
- Class D (porch),
- Class E (curtilage structures), including a garage, shed, greenhouse, etc.,
- Class F (hard surface area)

REASON:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

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

Notwithstanding the submitted details prior to the commencement of development (excluding the demolition phase) 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. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

REASON:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

21. APPROVAL CONDITION - Unsuspected Contamination

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

REASON:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment

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

Prior to development commencing, including demolition and site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the submitted ECOSA Ecological Assessment (November 2009) 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.

23. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]
All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

REASON:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

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

REASON:

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

25. APPROVAL CONDITION - replacement trees [Performance Condition]
Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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.

26. APPROVAL CONDITION - Stopping up existing access [Pre-Commencement Condition]
Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

REASON:

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

27. APPROVAL CONDITION - Parking

The parking spaces shown on the approved site plan shall be marked out and made available prior to the first occupation of the development hereby approved. Unless otherwise agreed in writing by the Local Planning Authority these spaces shall be retained for their intended purpose, as detailed within the submission, during the lifetime of the development.

REASON:

In the interests of highways safety and to ensure that the development is correctly served by on-site car parking.

00. Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The use of this previously developed site for affordable housing accords with local and national planning policy. The loss of the community use is justified in this instance and although the proposed density exceeds the targets sets by the LDF Core Strategy the proposed layout and design is considered fit for this context. There are no third party objections to the proposals. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS3, CS4, CS5, CS13, CS15, CS16, CS19, CS20, CS22 and CS25 and the Council's current adopted Supplementary Planning Guidance.

Notes to Applicant

S.257 (Town and Country Planning Act 1990)

The applicant is advised to contact the Council's Legal Services in order to progress this application under S.257 of the Town and Country Planning Act. They will also be able to advise of the likely fees that this work will incur.

Southern Water – Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Atkins Ltd, Angle St James House, 39a Southgate Street, Winchester So23 9EH (tel. 01962 858688) or www.southernwater.co.uk

S.106 Legal Agreement Informative

A Section 106 agreement relates to this site which includes a requirement for contributions towards: affordable housing, highways (site specific and strategic) and play/open space. A full copy of the S106 legal agreement is available on the Public Register held at Southampton City Council.

Note to Applicant – Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. It is important that you note that if development commences in without the condition having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms, invalidating the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Control Service.

Note to Applicant – Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.