

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 13th April 2010
 Planning Application Report of the Head of Division

Application address:	Land to the rear of Sheridan Close, Thornhill		
Proposed development:	Re-development of the site, including demolition of existing garages. Erection of 10 dwellings as part of a second phase (comprising 4 x 2-bed, 5 x 3-bed, 1 x 4-bed) within 2 x two-storey terraces and 3 single-storey detached buildings. All served with parking, ancillary storage and landscaping. Proposal includes stopping up and diversion of a public footpath.		
Application number	10/00119/FUL	Application type	Full Detailed
Case officer	Stephen Harrison	Application category	Q12 (Small Major)

Recommendation Summary	Subject to the receipt of an undertaking from the Head of Property & Procurement confirming that the land transfer will include the S.106 Heads of Terms listed in this report delegate to the Head of Planning & Sustainability to grant planning permission.
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Reason for Panel consideration	Major development (small scale) requiring completion of legal agreement under Section 106 of the 1990 Act
Applicant: First Wessex Housing Group Ltd	Agent: HGP Architects

Date of receipt	17.02.2010	City Ward	Bitterne
Date of registration	17.02.2010	Ward members	Cllr Fuller
Publicity expiry date	08.04.2010		Cllr Stevens
Date to determine by	19.05.2010 IN TIME		Cllr Letts

Site area	0.27 hectares	Usable amenity area	55-110sq.m per house
Site coverage (developed area)	Approximately 70%		
Density - whole site	37dph		

Residential mix	numbers	size sq.m	Other land uses	class	size sqm
Studio / 1-bedroom	N/A	N/A	Commercial use	N/A	N/A
2-bedroom	4	79-152	Retail use	N/A	N/A
3-bedroom	5	170	Leisure use	N/A	N/A
4-bedroom	1	204	other	N/A	N/A

accessibility zone	medium	policy parking max	8 spaces
parking permit zone	no	existing site parking	26 garages
cyclist facilities	yes	car parking provision	10 spaces (1 per unit) 8 communal
motor & bicycles	0 motor / 10 cycles	disabled parking	1 space

Key submitted documents supporting application			
1	Design & Access Statement	2	Biodiversity Checklist
3	Ecological Report	4	Statement of Involvement
Appendix attached			
1	Development Plan Policies	2	Applicants Response to Policy CS21

Recommendation in full

1. Authorisation of the Panel be given to the Head of Planning & Sustainability to enter into a footpath diversion order under s.257 of the Planning Act as it affects the site; and,
2. Delegate to the Head of Planning & Sustainability to grant planning permission subject to the receipt of an undertaking from the Head of Property & Procurement confirming that the land transfer from SCC to the applicant will include a S.106 Legal Agreement to secure:
 - i) Provision of 100% 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.

BACKGROUND

The site is within the ownership of the City Council. It has been identified as being acceptable for release for the provision of affordable housing within the Thornhill area.

Proposed Development and surrounding context

Context

This application site relates to an area of informal amenity land bounded by properties fronting Sheridan Close, Byron Road and Burke Drive. The open space is characterised by a change in grade, existing footpath links, and slopes down from north to south. Close boarded fencing marks the site’s northern, eastern and western boundary with the recently completed development of 14 dwellings located to the south. Access into the area is provided primarily to serve 26 Council owned garages, many of which have fallen into disrepair. The character of this part of Thornhill is defined by two-storey semi-detached and terraced dwellings set within long thin gardens.

Proposal

Planning permission is sought for the development of the site for 10 dwellings, described by the applicants as “Phase II”, following the completion of the 14 residential dwellings approved under LPA ref: 06/01244/FUL. The proposal yields a residential density of 37 dwellings per hectare.

The proposed scheme extends the existing road network into the informal open space. The layout has been designed to adoptable standards and comprises two terraces and three single storey dwellings along the eastern boundary. A good mix of accommodation is provided including 4 no. 2-bed, 5 no. 3-bed and 1 no. 4-bed dwellings. One of the single storey 2 bed dwellings (Plot 10) has been designed as a wheelchair compliant unit.

A modern design approach and palette of materials is proposed. The single storey buildings replace the existing garage block and are finished with a flat roof. They have a typical height of between 3.8 and 4.1 metres and have been designed to maintain the outlook from the neighbouring dwellings fronting Burke Drive. The two-storey dwelling houses are more traditional in appearance and are typically 7.2 metres in height (to ridge). No accommodation is proposed in the roofspace.

The scheme seeks to provide Code for Sustainable Homes Level 4 across the scheme. The whole scheme is to be affordable accommodation for the rented/intermediate market.

The Grounds

All dwellings have access to private amenity space of between 55 and 110sq.m (varying in length from between 8m & 13m), a parking space and ancillary refuse and cycle storage. Existing footpaths that serve the north-east and west of the site are to be retained and diverted.

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 application will result in the loss of amenity space that is not designated as protected open space.

The relevant CS policies and the “saved” policies from the Local Plan Review are set out at **Appendix 1**. The adopted LDF Core Strategy Policy CS21 (Protecting and Enhancing Open Space), as supported by Local Plan Policy CLT4, is relevant in the determination of this application.

Policy CLT4 refers to the development of amenity space and advises that proposals for the development of amenity open space will only be permitted where the site has no overall landscape, nature conservation or recreation value. The application has been advertised because the land provides some limited recreation value for local residents. As such, if supported, this application represents a departure from the development plan as explained below. Due to the scale of the development proposed, however, and the comments received from Sport England, it is not necessary – in accordance with the guidance

contained in Circular 02/2009 - to notify the Secretary of State of this departure.

PPG17 - Planning for Open Space, Sport and Recreation (2002)

PPG17 requires an applicant to make an assessment of the existing open space in the locality to demonstrate that the application site is surplus to requirements before it can be released for alternative development. The Southampton Open Space Audit notes that there is 'a relatively high distribution of amenity green space' in this part of the City.

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).

Relevant Planning History

06/01244/FUL Redevelopment of open ground for 14 dwelling houses with means of access, open space and parking
Approved 16.02.2007

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 an event in November 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 (04.03.10) and erecting a site notice (25.02.10). Following the comments from the Planning Policy Team (as set out below) the application has also been advertised as a "departure" from the current Development Plan.

At the time of writing the report 1 representation has been received from surrounding residents. Planning related comments can be summarised as follows:

A lack of parking will result in additional pressures to park on Burke Drive.

Response

The proposed level of parking exceeds the maximum standards of the adopted Local Plan. The proposal also includes 8 communal on-street parking spaces to serve the existing neighbourhood (in addition to the 6 secured to serve the first phase). Whilst the concerns are noted there are no objections to the application from Highways DC.

The outlook for existing residents will be harmed by developing at the bottom of existing gardens.

Response

The proposed layout follows an extensive pre-application with the City Council and secures a development that maintains acceptable separation distances between existing and proposed buildings. Where development is located on the boundary with existing gardens

it has been kept to a single storey (some 4 metres in height) and replaces existing garage structures. A typical separation distance of 18 metres is achieved between the rear windows of those dwellings fronting Burke Drive and the proposed single storey dwellings. The closest relationship of 13.5 metres is mitigated by an existing access that removes the proposed building (Plot 10) from the neighbouring boundary. The typical separation between two storey buildings exceeds the Council's 21 metre requirement. Indeed, all separation distances proposed are consistent with those set out at section 2.2 of the Council's approved Residential Design Guide SPD (2006).

Summary of Consultation comments

SCC Planning Policy – Objection raised. The proposals would accord with the Council's policies on Affordable Housing (CS15), Housing Mix and Type (CS16), Car and Cycle Parking (CS19) and Tackling and Adapting to Climate Change (CS20). The proposed density would lie outside of the levels set out in the Core Strategy for parts of the city with a PTAL value of 3 & 4 (50-100dph). Given the constraints of the site, the prevailing housing development as well as the provision of the family housing, this is considered to make an efficient use of the land.

The proposals would, however, involve development on an area of existing open space. Development in this respect is subject to the provisions of policy contained in the PPG17, the South East Plan, the adopted Core Strategy and Local Plan. Whilst the application site is not an identified protected open space as identified by the Local Plan Proposals Map the site can easily be regarded as open space using the definition contained in PPG17. Furthermore, the Council's Green Spaces Strategy was adopted by Cabinet in October 2008 identifies the application site as an area of amenity space. Policy CS21 of the Core Strategy states that there shall be no net loss of open space within the city.

Planning permission was granted in January 2007 for the development 14 homes on land adjacent to the application site. The application was allowed on the basis that there was an over provision of open space within the walking distance of the site, alongside other planning benefits such the provision of affordable and family housing. In the granting of permission officers noted that the remaining area of open space, to which this application relates, provided a suitable gap in terms of providing a visual gap in what is otherwise a very built up area. The Council's Open Space Audit identifies that areas in the east of the city are deficient in terms of natural open space and formal parks but benefits from an over supply of open space over all. Notwithstanding this, the applicants have failed to address this issue satisfactorily. Their assessment specifically refer to the requirements of PPG17 and include details of any mitigation measures, where the first preference would be replace of the open space in another location in this part of the city.

Response

*The applicant's response to this objection is appended at **Appendix 2** to this report.*

SCC Trees, Allotments and Parks Improvement Manager – The site is a remnant of a much larger green space which has now been built on and has a very limited use for the local residents. It appears to be regularly fly-tipped and is serving only as a shortcut between the existing houses. The site has minimal amenity value in its current condition and with no funding likely to be available in the foreseeable future it is unlikely to get upgraded any time soon.

SCC Highways – No highway objection is raised to the proposal subject to improved access/security to the proposed cycle storage, the attached planning conditions and the completion of a S.106 legal agreement. The application site is located within an area defined as having "medium" accessibility to public transport and services. The loss of the existing garages and their replacement with a limited number of communal on-street

parking spaces is acceptable given current take-up levels. The provision of 1 parking space per dwelling exceeds the Council's maximum parking standards, but can be supported given the mix of residential units proposed. The proposed access onto Sheridan Close, via the first phase of development, is acceptable. Pedestrian access across the site is to be retained, although a footpath diversion order is necessary, and this is welcomed.

SCC Sustainability – No objection raised subject to the attached planning condition to secure a development that meets the Code for Sustainable Homes level 4 – in lieu of on-site renewables. Additional planting should be considered as part of the landscaping scheme to provide added shade during the summer months.

Response

These comments have been relayed to the applicants who are expected to submit a revised landscaping plan either before the Planning Panel or as part of a submission to discharge the attached landscaping conditions.

SCC Housing Development - The affordable housing requirement from the proposed development under policy is 2 units (i.e. 20% of 10 units). However, all the units proposed will be for affordable housing. The Housing Development Team strongly supports this application. We have been working with First Wessex since late 2008 to see whether a second phase of development at Sheridan Close would be feasible. The proposed scheme would provide much needed family houses plus 3 bungalows (one is for disabled residents, and two would be aimed at "under-occupiers" thereby freeing up additional family sized houses). All of the units are proposed to be for rent – there are currently over 13,000 households on the housing register.

SCC Archaeology - The site lies outside the main areas of Local Archaeological Importance and there has been no significant archaeology discovered in the vicinity of the application site. Should planning consent be granted I would not recommend that any archaeological conditions are attached.

SCC Tree Team – Following further clarification by the applicants no objections are raised to this application subject to the attached planning condition to secure a landscape plan and its subsequent maintenance.

SCC Rights of Way Officer – raises no objections following further clarification and the confirmation that a formal diversion order will be secured as part of the scheme.

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

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

SCC Ecologist - No objection is raised to the proposed development. A planning condition should be applied to any permission to secure implementation of an ecological mitigation statement based on the Code for Sustainable Homes Report RT-MME-104806.

SCC Access Officer – Compliance with Part 'M' of the Building Regulations will be mandatory. No further comment made.

Sport England - The application site does not constitute playing field land as defined in Article 10(2) the Town and Country Planning (General Development Procedure) Order 1995 (as amended). Therefore, Sport England has considered the application in the light of its Interim Policy Statement 'Planning for Sport & Active Recreation: Objectives & Opportunities'. The overall thrust of the statement is that a planned approach to the

provision of facilities and opportunities for sport is necessary in order to ensure the sport and recreational needs of local communities are met. Sport England is satisfied that there are significant opportunities for sport and recreation in the vicinity of the application site and, therefore, does not wish to object to the loss of the open space area. However we advocate that it is essential for such developments to contribute to the sport and recreational needs of the locality made necessary by the subsequent increase in population. We trust that an adequate contribution will be made to sport and recreation improvements taking account of your authorities Supplementary Planning Guidance on planning obligations.

Response

The applicants have made an enhanced contribution towards open space provision at Hinkler Green which will be secured by a S.106 Legal Agreement.

The Environment Agency – have assessed the application as having a low environmental risk. Current workload pressures do not allow for a more detailed response.

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

Hampshire Constabulary – No objection subject to the imposition of the attached planning conditions relating to boundary treatments.

Planning Consideration Key Issues

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

- i. The principle of development & the loss of informal open space;
- ii. Design, Density & Impact on Established Character;
- iii. Residential Amenity;
- iv. Highways and Parking;
- v. Whether or not the scheme mitigates sufficiently against its direct local impacts.

Principle of Development & the Loss of Informal Open Space

The application site is not a designated area of formal open space but represents an area of open space with intrinsic informal recreational value for the local community (in terms of dog walking etc). The site also has some visual amenity and represents a green gap in an otherwise generally built up area. The application site has an existing amenity value, particularly for those residents living immediately adjacent to the site. Notwithstanding the application site's limited recreation value due to its topography, there is a broad presumption against the loss of any open space both nationally (PPG17) and locally (Core Strategy Policy CS21 and Local Plan Review Policy CLT4). In applying the guidance within PPG17 'open space' should be taken to mean all open space of public value that offers opportunities for sport and recreation and which can also act as a visual amenity.

To ensure effective planning for open space, sport and recreation use PPG17 explains that it is essential that the needs of local communities are known. Local authorities should undertake robust assessments of the existing and future needs of their communities for open space, sports and recreational facilities. The Council has undertaken an Open Space Audit that confirms that there is a surplus of open space in this location. In addition to the Council's own Open Space Audit the applicants have submitted their own assessment of the amenity role of the site in its local context and the current provision of open space in the locality. This is appended at **Appendix 2**. This survey demonstrates that the local area is well served by a number of green spaces characteristic of this sub-urban location (including Donkey Common and Hinkler Green). These alternatives are located within a maximum distance of 800m from the application site and are considered to offer a suitable

alternative for residents in the event that the application site is developed.

The Council's Trees, Allotments and Parks Improvement Manager has also confirmed that the application site has limited amenity value and investment would be better channelled to other nearby sites. With this in mind an enhanced off-site contribution to mitigate against the loss of this space has been offered to support the programme of works scheduled for the Hinkler Green open space.

The application site is "greenfield land" (as defined by PPS3), albeit within a suburban context, and forms the residual land from that released to construct "Phase 1" for 14 dwellings. Only in exceptional circumstances should the Council accept the principle of releasing this greenfield site for housing. With this in mind this application has been submitted by an affordable housing provider in partnership with the Council (as landowner). The application proposes a net increase in family accommodation that is supported by private external amenity space which is fit for its intended purpose, and would further assist in achieving 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. Policy CS16 requires that schemes of 10 or more dwellings provides at least 30% of the units as "family homes" with at least 3 bedrooms and access to private amenity space. Of the proposed dwellings all have been designed in consultation with the Housing Solutions Team to meet an identified need and 60% meet the Core Strategy requirement. The existing land has limited amenity value and its reuse with an affordable, sustainable housing scheme (which achieves Code Level 4) is, on balance, considered to represent a good use of land that currently has limited recreational, visual or amenity value. A departure to the adopted Development Plan is, therefore, recommended.

Design

Sheridan Close is characterised, in this location, by semi-detached family dwellings set back from the highway and this pattern of development has been continued with the release of the first phase of land (approved under LPA ref: 06/01244/FUL). The proposed buildings comprise a mix of two storey terraces and single storey dwellings (along the site's eastern boundary). A modern palette of materials is proposed, including a mixture of stack bonded facing brickwork and through coloured render. Further details can be secured with the attached planning condition.

The proposed level of development, at 37 dwellings per hectare, is below the Council's current guidance (of between 50 and 100 dph for areas of medium accessibility) and the requirements of LDF Core Strategy Policy CS5. However, it should be noted that the site is constrained by its residential context and the need to retain 2 existing footpath links, whilst providing an adequate turning area to meet the needs of a refuse vehicle.

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 scheme's 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 lower density scheme will need to be employed. 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 assists the Council in meeting its housing requirements and it is considered that the application accords in broad terms with Local Plan design policies SDP1, SDP7, H7 as supported by Core Strategy Policy CS13.

Residential Amenity

Given the siting of the proposed buildings 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 two storey terraces have been located within the middle of the site away from neighbouring boundaries, with development closest to the rear of properties fronting Burke Drive being limited to a single storey height. For the reasons given above the application is considered to address the amenity 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 dwellings is judged acceptable. All room sizes are acceptable and provide for a good living environment. 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". All dwellings have access to private amenity space of between 55 and 110sq.m (varying in length from between 8m & 13m). The detached dwellings do not achieve the recommended 90sq.m of external space but, nevertheless, offer residents three smaller areas of attractive space (including an enclosed central courtyard) in an imaginative design solution. The proposed 4 bed dwelling has access to some 100sq.m of external space. The scheme is considered to comply with the external space standards of the Council's approved Residential Design Guide SPD (2006); namely paragraph 2.3.14 and section 4.4.

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 0.75 spaces per two/three-bedroom units and 1 spaces per 4), as set out in Local Plan Policy SDP5 and LDF Core Strategy Policy CS19, suggests that the proposed residential units should be supported by no more than 8 spaces.

The applicants propose to provide 1 space per dwelling (including 1 disabled space) in excess of the Council's standards. This marginal over-provision is considered appropriate given the family housing proposed and the likely car ownership. The replacement of 26 garages with 8 on-street communal spaces is also supported.

Cycle storage is to be provided in a lockable shed in their rear gardens. The Council's Highways Officer has requested further details and these can be secured with the attached planning condition.

Finally, the existing rights of way across the site will be retained and diverted to accommodate the proposed works. As such, there are no significant rights of way issues affecting the proposal.

S.106 Legal Agreement

A development of this scale would normally trigger the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards open space, children's play space and highway infrastructure improvements in accordance with Core Strategy Policy CS25. A development of this scale would also trigger the need for 20% affordable housing in accordance with Core Strategy Policy CS15. The applicants have offered all units as "affordable" and are willing to enter into the necessary S.106 legal agreement. That said, as the Council is the land owner in this case it is appropriate that the Head of Property &

Procurement provides an undertaking at this stage stating that the requirements of the agreement will be completed at the time of land transfer.

Summary

This application has been advertised as a departure to Core Strategy Policy CS21 in that it will result in a net loss of existing amenity space. A Planning Policy objection has also been received on this basis. That said, when considered against other policies in the Local Plan, the scheme is not considered to significantly prejudice the provisions of the Development Plan.

The scheme is wholly affordable (over and above the 20% Core Strategy requirement), it will be constructed to a Code for Sustainable Homes Level 4 (over and above the Code 3 Core Strategy requirement) and will make an enhanced off-site open space contribution towards a programme of open space works at Hinkler Road. Furthermore, the Council's Trees, Allotments and Parks Improvement Manager has confirmed that the land has limited recreational, visual or amenity value and, given the topography of the space, does not lend itself to formal enhancements. Suitable alternatives exist within walking distance of this site to mitigate against its loss.

This application 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 relatively low density is not considered to be unduly harmful and, on balance, therefore, the scheme is considered to respect the character, appearance, density and overall scale of the surrounding residential area and mitigates against its direct impacts.

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 at the land transfer stage.

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 13.04.10 PROW Panel

Application 10/00119/FUL

SUGGESTED PLANNING CONDITIONS

01.

APPROVAL CONDITION - Full Permission Timing Condition - physical works

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

REASON:

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

02.

APPROVAL CONDITION - Details of building materials to be used

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, windows and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority a stack bond shall be employed for those elevations identified on the approved drawings and 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 (not in excess of 1:10) 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 with doors hinged to open outwards. 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 highway safety and visual amenity and to encourage recycling.

04.

APPROVAL CONDITION – Cycle storage [Pre-Occupation Condition]

Notwithstanding the submitted details the development to which this permission relates shall not be occupied in full or in part until secure, covered space has been laid out within each plot for bicycles to be stored, in accordance with amended plans that shall have been submitted to and approved in writing by the Local Planning Authority prior to the provision of the cycle storage. 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 and as the proposed cycle storage is not secure and results in users having to wheel the bicycle through the dwellinghouse.

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 each unit to which it relates 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

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.

In addition deliveries of construction materials to the site and the removal of any waste materials from the site shall not take place during the following hours:-

Monday to Friday 08.00 hours and 09.30 Hours (8.00am to 9.30 am)

Monday to Friday 15.00 hours and 16.30 hours (3.00pm to 4.30pm)

and at no time on Saturdays, Sundays and public holidays to take account of the occupation and proximity of neighbouring residential properties.

REASON:

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

07.

APPROVAL CONDITION - Construction Environment Management Plan

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 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]

Before the commencement of any site works, notwithstanding the submitted landscaping plan 09.027.112, a detailed amended hard and soft landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, lighting and treatment of hard surfaced areas, 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 and its installation, details of the design and specifications of the boundary treatment of the site – taking into account the requirements of Hampshire Constabulary in their comments dated 26th March 2010 - 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 each of the units to which it relates 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 – 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

14.

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. The development shall be completed in accordance with the agreed details and verified in writing for each unit prior to its first occupation.

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.

15.

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.

16.

APPROVAL CONDITION - Residential - Permitted Development Restriction

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.

17.

APPROVAL CONDITION - Land Contamination investigation and remediation

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 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.

18.

APPROVAL CONDITION - Use of uncontaminated soils and fill

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.

19.

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

20.

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 Biodiversity Checklist and Middlemarch-Environmental Ecological Assessment (May 2009) which unless otherwise agreed in writing by the Local Planning Authority shall be

implemented in accordance with a programme of works that shall have been agreed in writing with the Local Planning Authority prior to the commencement of development.

REASON:

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

21.

APPROVAL CONDITION - Parking

The parking spaces shown on the approved site plan, including those 8 spaces identified for communal use, 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.

22.

APPROVAL CONDITION – Wheelchair Compliant Units

A minimum of 1 dwelling shall be constructed and retained as being wholly wheelchair compliant in accordance with the submitted details.

REASON:

In the interests of securing an inclusive development that meets the needs of Southampton.

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 site for affordable housing accords with local and national planning policy. Whilst the loss of this informal open space represents a departure from the current Development Plan provisions it is justified in this instance as the scheme provides wholly affordable accommodation, the space itself has low amenity value and due to its topography is not fit for purpose, Sport England have not raised an objection to its loss and the applicants are mitigating against its loss with an enhanced off-site contribution towards existing open space at Hinkler Green. Although the proposed density is below the targets set by the LDF Core Strategy the proposed layout and design is considered fit for this context. The third party objections to the proposals relate to parking and a loss of amenity, both of which have been considered as part of the Planning Panel considerations on 13th April 2010. 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, H7, CLT4 and CLT6 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS15, CS16, CS19, CS20, CS21, CS22 and CS25 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS3 (Housing), PPG13 (Transport) and PPG17 (Open Space) are also relevant to the determination of this planning application.

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

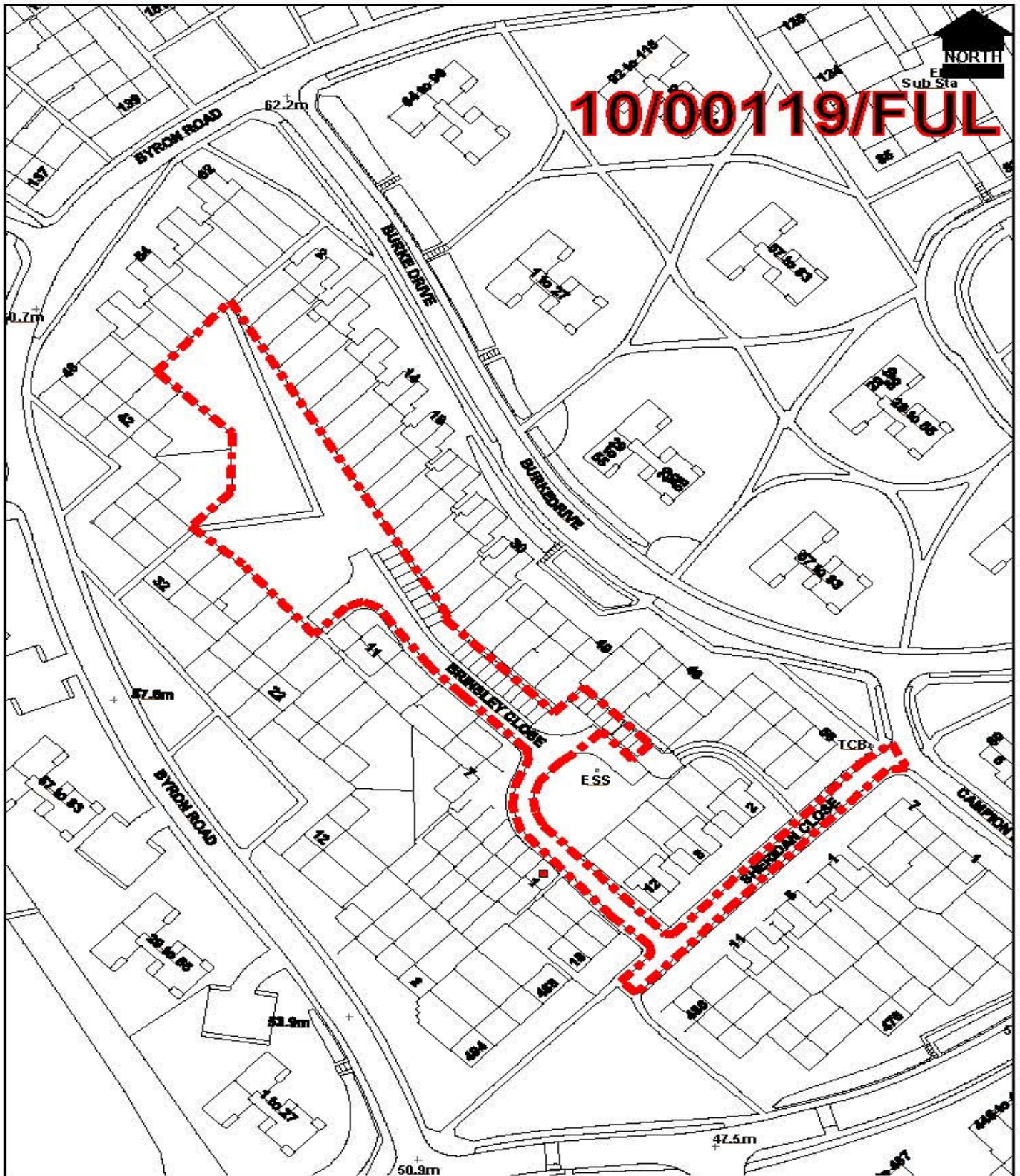
A Section 106 agreement relates to this site which includes a requirement for contributions towards: affordable housing, highways (site specific and strategic) and play/open space. A full copy of the S106 legal agreement is available on the Public Register held at Southampton City Council.

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.



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Scale : 1:1250

Date : 30 March 2010

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