

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 31st August 2010
 Planning Application Report of the Planning and Development Manager

Application address:			
Stoneham Cemetery Road			
Proposed development:			
Redevelopment of the site by the erection of 11 two-storey houses (5 x two-bedroom and 6 x three-bedroom) with associated parking and other facilities including allotment gardens and alterations to the road to provide a new footway.			
Application number	10/00728/FUL	Application type	Full
Case officer	Bryony Giles	Public speaking time	15 minutes

Applicant: The Swaythling Housing Society Ltd	Agent: Kenn Scaddan Associates Ltd
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development maximises the use of this previously developed land with attractively designed energy efficient dwellings by meeting level 6 of the Code for Sustainable Homes. The loss of a community facility and an area of open space (allotments) has been justified and is accepted by the local planning authority. The provision of residential accommodation on this currently derelict piece of land will make a positive contribution to the city's level of affordable family housing. Sufficient measures have been put in place to mitigate against the impact of the development on the site's ecology and appropriate measures have been taken to improve access into the site. 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.

"Saved" Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, NE4, CLT3, CLT5, CLT6, H1, H2, H3 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, CS21, CS22 and CS25 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010), PPG13 (Transport) and PPG24 (Planning & Noise) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (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);
- ii. 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;
- iii. Financial contribution towards highway works at Stoneham Cemetery Road.
- 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”)
 - Playing Field
 - Play space;
- v. Affordable housing provision in accordance with appropriate SPG
- vi. A refuse management plan to outline the methods of storage and waste collection of refuse from the land in accordance with policy SDP1 of the development plan and appropriate SPG.
- vii. 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.

In the event that the legal agreement is not completed by *13th September 2010* the Head of Planning & Sustainability be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1.0 The site and its context

1.1 The application relates to a vacant plot of land located within the north west of the city.

1.2 The site is situated on the edge of Swaythling’s existing Mansbridge Estate and was formerly occupied by the Mansbridge community Centre and a number of disused allotments. The community centre has since been demolished and the land is now vacant and overgrown.

1.3 The site is positioned on the western side of Stoneham Cemetery Road directly adjacent to the South Stoneham Cemetery. To the west of the site is housing; whilst to the north is the Ford’s factory.

1.4 Stoneham Cemetery Road is an unadopted road which is owned by Southampton City Council. It provides access to the cemetery. The road is boarded by established hedging to either side. There is currently no footpath along the road.

1.5 The site is of an unusual shape, wrapping around the rear gardens of dwellings located to the east of Howard Close and Walnut Avenue.

1.6 The site is located within a low accessibility area and occupies an area of 0.28ha.

1.7 The existing boundary treatment comprises close boarded timber fencing to much of its western and north boundaries together with privet hedging and a dwarf brick wall located along the sites' frontage onto Stoneham cemetery Road.

2.0 Proposal

2.1 The proposal seeks consent for the construction of 11 affordable homes that have been designed to achieve Code Level 6 of the Code for Sustainable Homes. The dwellings provided would consist of:-

- 5no. 2 bedroom, 4 person houses;
- 2no. 3 bedroom, 5 person houses;
- 4no. 3 bedroom 6 person houses.

2.2 The 11 dwellings provide affordable family accommodation that makes maximum use of renewable energy sources and the latest building technology to provide homes that are energy efficient and affordable to run. The homes are to be made available to applicants through Southampton City Council's housing register and will be managed by Swaythling Housing Society.

2.3 The dwellings have been designed with asymmetrical roofs which allows their main south facing roof planes to accommodate photovoltaic cells. The roofs have large overhangs to control excessive solar gain and overheating of the dwellings during the summer months.

2.4 In addition, the development has been designed to incorporate a wood pellet biomass boiler and store.

2.5 The proposal provides 15 car parking spaces for the 11 homes, including a turning area for the biomass wood pellet delivery lorry. An area of land left over to the south of the site is to be used as an allotment by future tenants of the dwellings.

2.6 The development also proposes highway improvements to Stoneham Cemetery Road, including the instatement of a footpath along the western side of Stoneham Cemetery Road to provide pedestrian access into and out of the site.

2.7 The proposed terrace of 5 two bedroom units is to be constructed in the position of the former community centre, whilst the remaining dwellings will be built on land previously occupied by allotments.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the South-East Plan: Regional Spatial Strategy (May 2009), the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 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.

3.3 Policy SDP1(i) requires planning permission to only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens.

3.4 Policy CS5 advocates that intensification and higher densities will be appropriate in some areas of the city in order to make best use of land, to support a range of local services and infrastructure and to create a residential environment with a mix of housing including smaller units and affordable housing. At all densities, residential development should be high quality, energy efficient and in line with best practice in sustainability and should maximise outdoor space, for example by providing gardens, roof terraces or balconies.

3.5 Policy CS13 (11) expands on this requiring urban form and scale to be considered and advocates the need to make higher densities work, being of an appropriate scale, massing and appearance.

3.6 Policy CS15 requires 20% affordable housing to be provide on site, while policy CS16 seeks to ensure a mix of housing types in order to ensure balanced and sustainable communities.

3.7 Policy CS25 states that development will only be permitted if necessary infrastructure, services and facilities are available or will be provided through financial contributions and brought forward at the appropriate time.

4.0 Relevant Planning History

04/01008/FUL - Redevelopment of the site to provide a pair of semi-detached and 3 no. terraced two storey dwelling houses with associated car parking. Withdrawn. 07.04.2005.

970958/26723/E – Erection of a 2 no. 2 bed semi-detached houses. Approved. 16.10.1997.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (01.07.2010) and erecting a site notice (01.07.2010). At the time of writing the report 2 representations have been received from surrounding residents.

The first letter of objection was formed of a petition with 22 signatures attached. The objectors have raised the following concerns;

5.1.1 Design & Residential Amenity

- **The design of the buildings is not in keeping with the local character of the neighbourhood.**

Response

The design of the dwellings is responsive to the brief of meeting level 6 of the Code for Sustainable Homes. It is agreed that they are not a pastiche of the surrounding dwellings. However, in terms of their scale, bulk and massing - being of a two storey height – the proposed dwellings do respect the scale and context of the surrounding residential area. Furthermore, the properties will not be read within the Howard Close or Walnut Avenue Street scene and as such have the opportunity to take on a modern design approach without being detrimental to the existing character of the area.

- **The wooden panelled frontage would not stand the test of time and is not suitable for long term affordable social housing.**

Response

There is no sound justification for this objection. The local planning authority has no objection to the appearance of the wooden panelled frontage and is not aware of problems having occurred with similar developments in the city. The long term maintenance of the development is ultimately the responsibility of the owner.

- **The proximity of the proposed buildings to current properties will impact on current residential natural light, outlook and privacy. Reference is made to point 2.2.1 and 2.2.19 and 2.2.21 of the residential design guide.**

Response

The development has been designed to minimise its impact on the existing residential amenity of neighbouring dwellings. The dwellings have been orientated to ensure that overlooking does not occur whilst minimum privacy distances as set out in paragraph 2.2.4 of the residential design guide have been met.

There is a degree of separation between dwellings which breaks up the mass of buildings on the plot, retaining views through and around the site.

Shadow diagrams submitted with the application demonstrate that no direct loss of light will occur to neighbouring habitable room windows, with overshadowing being kept to a minimum and affecting only a small proportion of garden space.

- **Has the required 12.5m distance between habitable rooms and gable end wall of another house been achieved?**

Response

The separation distances between windows of habitable rooms and the side (gable wall) of another house (as required by paragraph 2.2.7 of the RDG) have been met for all the proposed dwellings. A distance of 19m is achieved between the rear of dwellings on Walnut Avenue and plots 6&7 and 18m between plots 8&9.

- **Concern with regards to the impact of the proposed building when standing in the gardens of neighbouring dwellings.**

Response

The development has been designed to ensure that minimum separation distances are applied. The asymmetrical roof form reduces the massing of the buildings which in turn will reduce the impact of the development on neighbouring dwellings. Whilst the proposed dwellings will be visible when stood in neighbouring gardens it is considered that there will be no adverse harm to existing residential amenity.

- **Minimum garden sizes have not been met.**

Response

Paragraph 2.3.14 of the RDG advocates a minimum garden size of 50m² for terraced dwellings and 70m² for semi-detached dwellings, with a minimum depth of 10m for all. Minimum garden sizes (in accordance with the requirements of 2.3.14) are achieved for all of the proposed dwellings.

- **The density of the site is too great and does not accord with recently amended guidance set out in PPS3.**

Response

Recent changes to PPS3 have removed the minimum density requirement of 30 dwellings per hectare, allowing local planning authorities to decide on what level of density is appropriate for their area. The development proposes a density of 39 dwellings per hectare which is in accordance with density levels set out in policy CS16 of the adopted Core Strategy.

5.1.2 Ecology

- **Concern with regard to the impact of development on wildlife, in particular the slow worms.**

Response

The applicants have identified the need to protect and enhance existing wildlife on the site. Relevant supporting documents have been submitted with the application. The slow worms and grass snakes on site are to be relocated to a suitable site in the city and appropriate measures will be taken to encourage wildlife back onto the site post construction.

5.1.3 Highways

- **The road is too small to sustain further traffic and parking.**

Response

Due consideration has been given to improving the access to the site and the developments impact on the use of the cemetery. For further details see planning considerations as set out below.

- **The amount of parking proposed is limited for the potential number of people that may occupy the site.**

Response

The levels of car parking proposed exceed the standards set out in saved policy SDP5 of the local plan review. 1 for 1 car parking is proposed along with 4 visitor spaces including 2 disabled car parking spaces.

5.1.4 Social Impacts & Community Consultation

- **There is concern that the building of family homes in this area will increase the amount of children that use Walnut Avenue as a 'cut through' and therefore exacerbate the problem which damages our fences.**

Response

This is not a material planning consideration. Anti-social behaviour must be dealt with by the police as and when necessary.

- **There has been a lack of consultation with local residents and it is felt that the application is being rushed through to deal with the movement of the slow worms on site.**

Response

The Statement of Community involvement submitted with the application details the level of community consultation that has taken place prior to the submission of the application. The council encourages all applicants to carry out consultation with the public prior to the submission of an application.

The matter of moving the slow worms is being dealt with by both the applicant and SCC Open Spaces team and will not dictate the timescale by which a planning decision is made.

- 5.2 **SCC Policy** – No objection raised. The community facility has been relocated elsewhere and as such there is no objection to the loss of this community facility.
- 5.3 **SCC Highways** – No objection raised.
- 5.4 **SCC Housing** – No objections raised.
- 5.5 **SCC Sustainability Team** – No objections raised. A good level of information has been supplied with the application, including a pre-assessment estimator. The development will achieve Code Level 6 and this should be conditioned. (KO25 modified to level
- 5.6 **SCC Environmental Health (Pollution & Safety)** – No objections raised subject to the imposition of conditions requiring additional information in relation to noise and vibration from external noise sources to be submitted to and approved by the local planning authority, restriction of construction hours and prevention of bonfires on site.
- 5.7 **SCC Environmental Health (Contaminated Land)** – No objections raised subject to the imposition of conditions relating to land contamination investigations and remedial works.
- 5.8 **SCC Ecology** – No objection raised, provided the recommendations in the submitted ecology reports are implemented. Conditions requiring the submission of an ecological mitigation statement, further details with regards to on site lighting and the protection of nesting birds are to be imposed.
- 5.9 **SCC Trees** - No objections raised subject to the details submitted in the Method Statement (details and date) and Tree protection plan to be conditioned.
- 5.10 **SCC Archaeology** – Due to the nature and high archaeological potential of the site, a full programme of archaeological assessment, evaluation and excavation work will be required in advance of the development. Consequently, should planning consent be granted conditions requiring archaeological investigation work and damage assessment must be imposed.
- 5.11 **SCC Access** – No objections raised. The Access Statement submitted with the application is considered satisfactory.
- 5.12 **SCC Rights of Way** – No objections raised.
- 5.13 **SCC Property and Procurement Division** - No objections raised.
- 5.14 **SCC Bereavement services - Object** to the application on the following grounds;
- Parking on south Stoneham cemetery road by residents or visitors/other may block the road to funeral vehicles because of its narrow width. Whilst potentially a small risk any single incident such as this would be very upsetting to funeral parties.
 - Construction operations which may generate noise, smoke or dust and the parking of contractors' vehicles need to be regulated to minimise the disturbance to funerals.
- 5.15 **BAA** – No objections raised subject to the imposition of conditions relating to the control of lighting on the proposed development, the submission of additional information relating to PV cells to be used on the development and the use of cranes on site.

5.16 **Hampshire Constabulary** – No objections raised subject to the imposition of conditions to require a management plan to be agreed which makes clear who is responsible for the security of the allotment building day to day and overall and a fence to be installed behind the proposed hedge.

5.17 **Southern Water** – No objections raised subject to the imposition of conditions relating to location of the public sewer, connection to the public sewer and information relating to four and surface water drainage.

6.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. Design & Density
- iii. Residential Amenity;
- iv. Highways and Parking;
- v. Ecology and Trees
- vi. Sustainability

The proposed scheme has to be assessed in terms of the Key Issues (identified above) together with whether the proposed development is acceptable in terms of the provisions of the Local Plan and the Council's supplementary planning guidance.

6.2 Principle of Development

6.2.1 The site is not allocated for any specific purpose with the local development plan. Having been previously occupied by a community centre and allotments due regard must be had to the loss of these facilities.

6.2.2 Supporting information submitted with the application details anti-social behaviour associated with the community centre, which was used as a social club for residents of the surrounding area. The decline of the use of the community centre, along with anti social problems associated with its use, lead to the decision to close the facility. Arrangements have been made with Mansbridge Junior School to provide a community room for use by local residents, which relocate the lost facility within a close proximity to its main users.

6.2.3 Previous approvals have been given for residential development on part of the land which establishes the principle of residential development on the site. The owner has no intention of reintroducing the allotment use within the site as its primary use and there is limited opportunity for the land to be used for open space/recreation purposes. Additional allotment facilities have been made available within the site for future occupants of the proposed dwellings. As such, it is considered that a predominant residential use is most appropriate for the land and would improve its current appearance.

6.2.4 On account of the anti social behaviour, the (re)provision elsewhere in the community as well as the previous operation being unviable there is no objection to the loss of the facility.

6.2.5 It is judged that the principle of development accords with policies CS3 and CS21 of the adopted Core Strategy.

6.3 Design & Density

6.3.1 The density of the development equates to 39dph, falling below the density level

guidelines set out in policy CS5 which advocates a density of 35 – 50 dph in low accessibility areas.

6.3.2 The site layout has been influenced by the need to retain the privet hedge which runs along the edge of the site, and create a safe pedestrian access along Stoneham Cemetery Road. The privet hedge is found on both sides of the road, creating a more rural feel to the area and is important for the ecology of the site.

6.3.3 The setting back of the hedgerow retains the character of the road whilst providing a pedestrian access. In order to ensure that the Hedgerow provides a secure boundary to the site Hampshire Constabulary has requested a fence be put in place behind it. This will be secured by condition.

6.3.4 The proposal is considered to make efficient use of this derelict land, with its design responding to the context and character of the immediate area. The use of contemporary materials and a bespoke design solution is not considered to be detrimental to the character of the area. The scale, massing and height of the dwellings accords with properties in the surrounding area.

6.3.5 The proposal meets level 6 of the Code for Sustainable Homes which will benefit residents of the site as well as the environment. The layout of the site will create a safe environment for families, meeting secure by design standards, and offers benefits to improving the existing appearance of the site and maintaining and encouraging wildlife on the site.

6.3.6 Subject to the imposition and compliance with relevant conditions, the proposal is considered to accord with saved policies SDP1, SDP7, SDP9 and H7 of the development plan and policy CS13 of the adopted Core Strategy.

6.4 Residential Amenity

6.4.1 Residential amenity standards are met to at least a minimum.

6.4.2 All dwellings have private and useable gardens which accord with minimum garden sizes set out in paragraph 2.3.14 of the Residential Design guide. All units have direct external access to rear gardens.

6.4.3 Outlook and privacy distances are achieved between existing and proposed dwellings and sufficient light is retained to neighbouring dwellings.

6.4.4 It is judged that a reasonable degree of separate is achieved between the boundaries of neighbouring dwellings and the proposed dwellings. Whilst the proposed dwellings will be visible when stood in neighbouring gardens it is considered that there will be no adverse harm to existing residential amenity.

6.4.5 Cycle storage and refuse storage is provided for each dwelling in accordance with saved policy SDP5 and section 9 of the RDG.

6.4.6 The layout of the design accords with secure by design standards and offers good levels of natural surveillance in and around the site.

6.4.7 Given the sites close proximity to the Ford's factory, Southampton Airport and roads consideration must be given to noise associated with these uses and their impact on the residential amenity of future occupiers. The noise assessment submitted with the application concludes that the site is within a PPS24 Noise Exposure category B. Therefore, use of the site for residential purposes complies with local and national policy

provided noise mitigation measures are included in the design of the building. This relates directly to the type and level of glazing to be installed. Appropriate conditions will be applied.

6.4.8 Subject to the imposition and compliance with relevant conditions, the proposal is considered to accord with saved policies SDP1 and H7 of the development plan, policy CS13 of the adopted Core Strategy and relevant sections of the RDG.

6.5 Highways and Parking

6.5.1 Access: Concern has been raised by SCC Bereavement services with regards to the impact of the development on funeral processions. There is particular concern that residents' vehicles parking along the side of Stoneham Cemetery Road will prevent funeral processions from accessing the cemetery due to the narrow width of the road. There is also concern that during construction, funerals will be disrupted by the noise from the works.

6.5.2 Highways DC have not objected to the application. The width of the road is considered appropriate for existing and future users. Sufficient on-site parking is provided to mitigate against the need for future occupiers to park on Stoneham Cemetery road.

6.5.3 Highways DC have confirmed that double yellow lines could be installed down one side or both sides of Stoneham Cemetery Road to prevent parking, but these would only be indicative and would not be enforceable.

6.5.4 In order to overcome the impact of construction on funeral parties it is considered reasonable to impose a condition on the consent which requires the developer to enter into a management plan with Bereavement services. The plan should establish how the impact of construction works on funeral parties will be minimised. For example, the stopping of noisy construction works such as piling or drilling and the parking of construction vehicles to ensure full access is available to the cemetery for funeral processions.

6.5.5 A 1.2m footpath is to be constructed within the application site which runs parallel with the western edge of Stoneham Cemetery Road. The footpath provides convenient and safe pedestrian access and egress. The footpath is to be formed of land within the site and will not reduce the width of the existing road way.

6.5.6 Vehicular access is to be taken from two points within the site. Appropriate visibility splays are achieved.

6.5.7 Issues with regards to the long term maintenance of the highway will be resolved by way of a S106 agreement.

6.5.8 Parking: The provision of parking accords with parking standards required by saved policy SDP5 of the local plan review and CS19 of the Core Strategy for a site within a low accessibility area. A provision of 15 car parking spaces is made, which provides 1 car parking space per dwelling with 4 additional visitor spaces, 2 of which are disabled spaces.

6.5.9 Given the sites edge of city location and the limited availability for on road parking, it is considered appropriate for an overprovision of parking spaces to be accommodated on this site. The provision of visitor parking spaces should alleviate additional pressure on the use of Stoneham Cemetery Road itself.

6.5.10 To further reduce the impact of the development on the use of Stoneham Cemetery Road, a turning area for lorries has been designed into the parking layout which allows on

site turning for delivery vehicles (in particular delivery of wood pellets to the biomass boiler) and refuse vehicles.

6.5.11 The proposal is considered to accord with saved policies SDP4 and SDP5 of the local plan review and CS19 of the adopted Core Strategy.

6.6 Ecology and Trees

6.6.1 Two species of common reptile have been identified within the site. A high population of slow worm and a low population of grass snake. The site's slow worm population occurs through all suitable reptile habitats within the site. It is evident that the entire site is to be cleared to accommodate the new residential development. As such, the slow worms and the grass snakes must be relocated prior to the commencement of works on site.

6.6.2 As the identified species are protected under UK Wildlife legislation (the wildlife & countryside Act, 1981, as amended) a reptile mitigation strategy would need to be prepared to ensure that the works proceed lawfully. In addition, the presence of slow worms and grass-snakes on site is also a material consideration under PPS9.

6.6.3 It is proposed to re-locate captured reptiles to a local, off-site 'reptile receptor site' since there is no capacity to accommodate the reptile populations on-site within the new development. It has been agreed in principle that the site's reptiles could potentially be accommodated within local council-owned land and appropriate measures are being put in place with SCC open spaces team for these works to be carried out. Post-development monitoring will be carried out at the 'reptile receptor site' to ensure it is surviving and to inform the need for any remedial action. These elements will be formalised in the detailed reptile mitigation strategy.

6.6.4 In addition, the ecology assessment submitted with the application recommends a series of measures for mitigation against the impacts of the development on the ecology of the site. These include the protective fencing of trees and hedgerows and for any unavoidable bird habitat clearance to take place outside of the breeding bird season

6.6.5 In order to protect the sites ecology, it is recommended that external lighting within the new development is minimised, especially in the vicinity of any retained trees and hedgerows as well as adjacent to the proposed bat boxes and along proposed new tree lines and soft landscaped areas in general. This will be ensured by way of condition.

6.6.6 It is considered that the proposal accords with saved policy NE4 and CS22 the adopted Core Strategy. Appropriate measures have been recommended to mitigate against the impact of the development on the sites protected species, overall ecology and trees. Conditions will be imposed to ensure these recommendations are implemented and monitored correctly.

6.7 Sustainability

6.7.1 Policy CS20 of the adopted core strategy requires all new homes to achieve at least level 3 of the Code for Sustainable Homes.

6.7.2 The development proposes level 6 of the Code for Sustainable Homes, the highest rating that can be afforded to residential developments. This will be achieved by 100% of the regulated and unregulated energy demand of the houses being met by on site zero and low carbon technologies.

6.7.3 The development is designed to have a very low energy demand, by improving insulation, air tightness and minimising thermal bridging based on the principles of 'Passivhaus' design. The reduced energy requirements of the homes will be met by two types of on-site renewables, biomass district heating system and photovoltaics on the roofs.

6.7.4 The homes will be oriented to allow maximum use of both passive solar gain and day lighting. Roofs have been designed for the optimum performance of the on site for renewable technology of photovoltaics. Overheating will be managed through a whole house ventilation and mature trees will be retained on site to provide shading in the summer.

6.7.5 In addition, all materials used on site will be obtained from a sustainable source with left over construction materials being recycled appropriately. Ecology will be enhanced on site through planting of native trees, planting native shrubs, bird boxes, insect houses and providing a hedgehog box. Each property will be provided with a water butt (for rainwater harvesting), a compost bin. In addition, low energy lighting and grey water recycling will be in place.

6.7.6 Additional points will be gained through the development meeting secure by design standards, on site sustainable urban drainage and a site waste management plan.

6.7.7 By building the dwellings to this level it has been estimated that the scheme will deliver an annual reduction in carbon dioxide emissions from energy in use of 41 tonnes, with occupants using no more than 80 litres of potable water per person per day. The current average use is 150 litres per person per day (page 9 of the Sustainability and Energy Statement).

6.7.8 The sustainability and energy statement submitted with the application; demonstrates that the development meets all the sustainability requirements of Southampton city Council and PUSH and more than exceeds the requirements of policy CS20 of the adopted Core Strategy. Conditions will be applied to secure this level of sustainable construction.

6.8 S.106 Legal Agreement

6.8.1 A development of this scale triggers the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards open space and highway infrastructure improvements in accordance with Core Strategy Policy CS25. The applicants have confirmed their willingness to enter into the necessary obligations to mitigate against the scheme's direct local impacts.

7.0 Summary

7.1 The additional of 11 affordable housing units which meet a high specification of sustainable construction would make a positive contribution to the city's housing stock. The design of the dwellings is responsive to the scale and context of the surrounding area, whilst taking on a contemporary appearance.

7.2 The layout of the development provides safe access into and around the site, secure and private garden space and sufficient light and outlook for all. While residential amenity standards (for both the existing neighbouring and proposed dwellings) are met to at least the minimum requirement.

7.3 Appropriate measures are to be taken to mitigate against the impact of the development on the operation and management of the adjacent cemetery.

7.4 Ecology measures proposed will protect and enhance the sites wildlife, flora and fauna.

8.0 Conclusion

8.1 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), 1 (d), 2(c), 2 (b), 4(s), 6(a), 6(c), 7(a), 7(c) 7(o), 7(t), 7(v) 8(a), 9(a), 9(b) and PPS3 (2010)

BG for 31.08.2010 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for external walls, windows, doors and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

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

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

1. A desk top study including;
historical and current sources of land contamination

results of a walk-over survey identifying any evidence of land contamination
identification of the potential contaminants associated with the above
an initial conceptual site model of the site indicating sources, pathways and
receptors
a qualitative assessment of the likely risks
any requirements for exploratory investigations.

2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

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

Reason:

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

04. 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.

05. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

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

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

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted ecology assessment and reptile survey report dated 14th June 2010 with the application] 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.

07. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

08. 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.

09. 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.

10. APPROVAL CONDITION - vegetation retention and protection [Pre-Commencement

Condition]

No development, including site works of any description, shall take place on the site unless and until all the existing bushes, shrubs, and hedgerows to be retained on the site have been protected by a fence to be approved in writing by the Local Planning Authority erected around each area of vegetation at a radius from the stem or stems of 5 metres or such other distance as may be agreed in writing by the Local Planning Authority. Within the area so fenced off the existing ground levels shall be neither raised nor lowered and no materials, temporary buildings, plant machinery, rubble or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any roots encountered with a diameter of 25mm or more shall be left un-severed.

Reason:

To ensure the retention and maintenance of vegetation which is an important feature of the area.

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

Before the commencement of any site works 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, 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 - Tree protection measures [Performance Condition]

The development must be built in accordance with the tree protection measures set out in the submitted arboricultural method statement and tree protection plan dated 21st June 2010.

Reason

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

13. APPROVAL CONDITION - Boundary fence [Pre-commencement Condition]

Prior to the commencement of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted details must include fencing to be located behind the hedgerow on the eastern boundary of the site. 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.

14. APPROVAL CONDITION - Noise & Vibration (external noise sources) [Pre-Commencement Condition]

Construction work shall not begin until an acoustic report and written scheme to protect the proposed development in terms of habitable rooms, balconies, roof terraces and gardens from external noise sources (noise includes vibration) including transportation noise, has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed and be available for use before any part of the development is occupied.

Reason:

To protect the occupiers of the development from excessive external noise.

15. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance 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 D (porch),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

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.

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

Written documentary evidence demonstrating that the development will achieve at minimum Level 6 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified Code

For Sustainable Homes certification body.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009) – CSH has since replaced Eco Homes for new build developments.

17. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]

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

Reason:

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

18. APPROVAL CONDITION - Archaeological work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

19. APPROVAL CONDITION - Archaeological damage-assessment [Pre-Commencement Condition]

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason:

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

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

Detailed plans specifying the areas to be used for contractor's vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. The development shall proceed in accordance with the agreed details

Reason:

For the avoidance of doubt and in the interests of the amenities of nearby residents.

21. Approval Condition - Sightlines [Performance Condition]

The sightlines as shown on drawing 941-PD-101 Rev F shall be retained and maintained at all times.

Reason

Reason:

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

22. Approval Condition – Additional Information (PV Cells) [Pre-Commencement Condition]

Prior to the commencement of development a detailed scheme of the photovoltaic cells to be used for the construction of the development shall be submitted to the local planning authority and agreed in writing. The scheme shall include full details of the location, siting (angle), number, type and manufactures specification for the photovoltaic cells, with specific reference made to information relating to glare and light reflection from the cells. Once agreed, the development must be built in accordance with the approved details and thereafter retained at all times unless otherwise agreed in writing by the local planning authority.

Reason

To avoid endangering the safe operation of aircraft through glare.

23. Approval Condition – Control of Lighting on the proposed development [Performance Condition]

The development is close to the aerodrome and aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

Reason

To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

For further information please refer to Advice Note 2 ‘Lighting Near Aerodromes’ (available at www.aoa.org.uk/publications/safegurading.asp).

24. Approval Condition - Management Plan -[Pre-commencement Condition]

Prior to the commencement of development a management plan detailing the following measures must be submitted to the local planning authority and agreed in writing and adhered to at all times.

- Measures to be taken to mitigate against the impact of construction works on funerals taking place at the adjacent cemetery.
- Management and long term maintenance of the allotment

Reason

To protect the users of the adjacent cemetery and to ensure the use of the allotment does not adversely affect the residential amenity of neighbouring dwellings.

25. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

26. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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

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

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

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

27. 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.

28. 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.

28. APPROVAL CONDITION - Amenity Space, Cycle and Refuse Storage [Pre-Occupation Condition]

The cycle storage, refuse storage and 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 and maintained at all times.

REASON:

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

Notes to Applicant

Southern Water – Public Sewerage

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

A Section 106 agreement relates to this site which includes a requirement for contributions towards: 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.

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.

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.

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is therefore drawn to the requirement within British Standard Code of Practice for the safe use of cranes, and for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 'Cranes and other construction issues' available at www.caa.co.uk/srg/aerodrome

Lighting

The development is close to the aerodrome and the approach to the runway. The applicant's attention is drawn to the need to carefully design lighting proposals. This is further explained in Advice Note 2 'Lighting near Aerodromes' available at www.caa.co.uk/srg/aerodrome.

In addition, the use of PV Cels may produce glare and light reflection at a critical point in flight. Due regard must be had to their siting and potential impacts on aircraft.

POLICY CONTEXT

Core Strategy - (January 2010)

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
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

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 (2010)
PPG13	Transport (2001)
PPG17	Planning for Open Space, Sport & Recreation
PPG24	Planning & Noise (2004)