

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 19.11.13**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 11 Ardnave Crescent SO16 7FL			
<b>Proposed development:</b> Erection of a 2-storey, 4-bedroom detached house with associated parking and cycle/refuse storage			
<b>Application number</b>	13/01382/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Andrew Gregory	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	5.11.13	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Les Harris Cllr Beryl Harris Cllr John Hannides

<b>Applicant:</b> Mr B Shanker	<b>Agent:</b> Concept Design & Planning
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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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 will not adversely harm the character and appearance of the area or the residential amenities of neighbouring occupiers having regard to the appeal decision ref APP/D1780/A/13/2190798) which indicates no harm in relation to these matters and was dismissed on tree grounds. The differences in terms of layout and design between this application and the previous refusal ref 12/01670/FUL are negligible with the building moved further away from the boundary with 13 Ardnave Crescent by 2 metres and the proposed building footprint reduced in width by 2 metres. Furthermore the development will not detrimentally harm the adjacent protected beech tree within 13 Ardnave Crescent having regard to the revised layout (following refusal 12/01670/FUL) and the Councils tree officer raising no objection

Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP12 and H1 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning refusal ref 12/01670/FUL and appeal decision ref APP/D1780/A/13/2190798
3	Planning refusal ref 07/02029/FUL and appeal decision ref APP/D1780/A/08/2073707		

## **Recommendation in Full**

### **Conditionally approve**

#### **1.0 Background**

- 1.1 There have been a number of applications on this site, since 2007, seeking to sub-divide the plot and to erect a two-storey dwelling in the rear garden. The Local Planning Authority has shared the concerns of neighbouring occupiers and consistently refused these schemes on the basis of harm to the character and appearance of the area and tree impact.
- 1.2 There have been two subsequent appeals on applications 07/02029/FUL and 12/01670/FUL which were both dismissed (meaning the Planning Inspectorate agreed that the schemes should be refused). In the first appeal, relating to application 07/02029/FUL, the Inspector agreed with the Council that the development would be harmful to the character and appearance of the area. In the second appeal, relating to application 12/01670/FUL, the Inspector observed material differences with the earlier appeal dismissal (paragraph 6 refers) and only dismissed the appeal on the basis of tree impact.
- 1.3 Therefore this current submission is only required to address the previous appeal dismissal on the basis of tree impact, unless the scheme is significantly different to the previous refusal in design, scale and layout and raises new concerns in relation to impact on the character and appearance of the area. The previous appeal decision relating to application 12/01670/FUL should be given significant weight in the consideration of this application. There have been no new subsequent local or national policies, and the emerging Bassett Neighbourhood Plan is not at a sufficient stage to outweigh the recent appeal decision. A copy of the relevant appeal decisions are attached as Appendices 2 and 3.

## **2.0 The site and its context**

- 2.1 The site and its surrounds are aptly described in paragraph 3 of the 2007 appeal decision on this site (ref APP/D1780/A/08/2073707):

"The site is in an area of predominantly large houses of individual designs on spacious plots with generous planting. There is a more close-knit group of houses at the south-east corner of the crescent, at Cleek Drive, but these impinge little on the generally open and well-landscaped character of the road. The corner plots at nos. 11 and 21 make a particular contribution to this, with their large rear/side gardens adjoining the road."

- 2.2 11 Ardnave Crescent has been extended and modified since the 2007 appeal decision. Works have also been undertaken to create a parking area to the rear of the dwelling, with the installation of a retaining wall and new secondary vehicular access onto Ardnave Crescent. The rear of the site has been cleared with the mature planting (incl. a beech tree) removed. 3 no replacement saplings have been planted. The site is enclosed by close boarded fencing. The site has been the subject of enforcement investigation, and the group of mature trees within the southern corner of the site have been given preservation orders. A new dwelling has been built on the opposite side of Ardnave Crescent, adjacent to number 22.

## **3.0 Proposal**

- 3.1 The proposal seeks to sub-divide 11 Ardnave Crescent with the erection of a two-storey dwelling house (4-bedroom) within the rear garden. The existing retaining wall would be repositioned with the garden retained to serve the existing property, extended in length by 3 metres.
- 3.2 A new vehicular access is proposed onto Ardnave Crescent with parking for 2 vehicles to the front of the proposed dwelling and private garden to the rear. The ground floor of the proposed dwelling would abut the retaining wall with the first floor set back. The dwelling would have a pitched roof and is proposed to be finished in buff brick and render.

## **4.0 Relevant Planning Policy**

- 4.1 The Development Plan for Southampton currently comprises 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**.
- 4.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

## **5.0 Relevant Planning History**

- 5.1 07/02029/FUL  
Erection of two storey four-bed house  
Refused on 11.02.2008 (subsequent appeal dismissed)
- 5.2 08/01265/FUL  
Erection of a two storey side extension and a single storey rear extension, incorporating the lowering of the existing and proposed roof line.  
Refused on 05.11.2008
- 5.3 08/01737/FUL  
Two storey side extension and single storey lower ground floor rear extension with balcony above and alterations to the roof.  
Refused on 04.02.2009
- 5.4 09/00365/FUL  
Single storey side/rear extension, first floor side extension and alterations to roof by raising eaves height yet lowering ridge height  
Refused on 03.06.2009
- 5.5 09/00854/FUL  
Part two storey part single storey side extension, lower ground floor extension, re-construction of roof and alterations to the front elevation  
Conditionally Approved on 08.10.2009
- 5.6 10/00302/FUL  
Installation of additional dropped kerb and raising level of front garden with new 1.2m high retaining wall to form hard standing for vehicles (partially retrospective).  
Conditionally Approved on 07.05.2010
- 5.7 10/00854/FUL  
Extension of existing parking area to form an additional parking space (Amendment to 10/00302/FUL) (Retrospective).  
Refused on 18.08.2010
- 5.8 11/00195/FUL  
Implementation of planning permission ref 09/00854/FUL for extension to the property without complying with conditions 4(Landscaping), 6(Glazing) and 9(Residential permitted development restriction).  
Approved on 29.06.2011
- 5.9 12/01187/FUL  
Erection of a 2 storey 4-bed detached house with associated parking and cycle/refuse storage  
Refused on 25.09.2012
- 5.10 12/01670/FUL  
Erection of a two storey dwelling to rear of 11 Ardnave Crescent with associated car parking and cycle/refuse storage (resubmission of 12/01187/FUL)  
Refused on 19.12.2012 (subsequent appeal dismissed)

## **6.0 Consultation Responses and Notification Representations**

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (17.09.2013). At the time of writing the report 7 representations have been received from surrounding residents. The following is a summary of the points raised:
- 6.2 Out of keeping with the established character of the area  
Officer Response - The previous scheme (ref 12/01670/FUL) was found to have no adverse impact on the character and appearance of the area by the appeal inspector. The differences in terms of layout, design and building design between this current scheme and the previously refused scheme (ref 12/01670/FUL) are negligible.
- 6.3 Harm to neighbouring amenities  
Officer Response - The previous scheme (ref 12/01670/FUL) was not refused on the grounds of impact on neighbouring residential amenities and the subsequent appeal decision did not find harm to neighbouring residential amenities. No harmful impact will occur having regard to the building separation distances, first-floor layout with only a high level landing window in the rear elevation to prevent over-looking, plot sizes, site topography and boundary/landscaping treatments.
- 6.4 Garden development which is contrary to the landscaping conditions imposed for application 11/00195/FUL  
Officer Response - Earlier landscaping conditions do not prevent future planning applications on the site. The development does not conflict with the landscaping approved under 11/00195/FUL and the 3 no. replacement trees secured under that consent are to be retained. National and local planning policies do not presume against development on private residential gardens providing the character and appearance of the area is not compromised.
- 6.5 Impact on adjacent Beech Tree located within 13 Ardnave Crescent  
Officer Response - The Council's tree officer has raised no objection. No building(s) will encroach on the root protection zone and the proposed house is now a further 2 metres away from the tree canopy. The Council's tree officer is satisfied there is sufficient space for the tree to grow and mature and to maintain amenity value.
- 6.6 This steeply sloping site has underground drainage problems  
Officer Response - Planning permission cannot be refused for this reason. It rests with building control and Southern Water to assess foundation design and drainage details and to look at design solutions.
- 6.7 The plans appear to be very limited and inaccurate in some respect. All the south elevation drawings show the first floor right up against the retaining wall and the ground floor extending under the retaining wall.  
Officer Response - It would appear the site has been surveyed with site levels shown on the section drawing. The plans have been amended to show the first-floor set away from the retaining wall and to show the WC/cloakroom stopping at the retaining wall.

- 6.8 The new house is much smaller than the previously refused scheme. The proposed 4-bed property only has a small kitchen and lounge and no garage. The area is laced with underground springs and waterways and any change to these affected by building works could seriously affect the growth of all trees in the vicinity, especially a large beech tree.  
Officer Response - There are no planning policies requiring minimum room sizes or for the development to include a garage. It rests with the market to decide whether the lounge and kitchen is sufficient in size providing the development satisfies other planning standards of living assessment in terms of daylight, outlook and access. The inspector previously found that a dwelling which was similar in size, design and layout would not adversely harm the character and appearance of the area. The development cannot be refused for impact on existing, alleged, underground springs and waterways. It rests with the applicant to come up with drainage and foundation design solutions suitable for the site (to be agreed at Building Regulations stage).
- 6.9 The proposed rear garden of no. 11 is still only 4 metres wide, which is out of keeping with the rest of the houses in the Crescent.  
Officer Response - The existing property will have a retained rear garden depth of 10 metres and the proposed dwelling will have a rear garden depth of 8 metres. This layout was previously found to be acceptable by the planning inspector.

### **Consultation Responses**

- 6.10 **SCC Highways** - No objection subject to conditions to secure wheel cleaning facilities and to prevent obstruction of the highway during construction works
- 6.11 **SCC Trees** – No objection subject to conditions to ensure tree retention and safeguarding, no storage under tree canopy, no overhanging tree loss and to secure arboricultural protection measures. There is a greater separation between the maturing Beech tree on neighbouring land and the proposed dwelling than what was in the previous 2 applications that were refused on tree grounds. The separation between the proposed dwelling and the beech is now sufficient.
- 6.12 **SCC Sustainability Team** – If the case officer is minded to recommend approval then conditions should be added to ensure the development meets Level 4 of the Code for Sustainable Homes.
- 6.13 **SCC Ecology** – No objection subject to a condition to secure a method statement detailing how nesting birds and slow worms will be protected during site clearance and construction. This should be supported by a landscaping plan which includes native and ornamental species with recognised wildlife value.
- 6.14 **SCC Environmental Health (Pollution & Safety)** - No objection subject to conditions relating to hours of work and to ensure no bonfires.
- 6.15 **SCC Environmental Health (Contaminated Land)** - Potentially contaminated site; adequate assessments will need to be carried out on site to determine the Likely presence of contaminants. Planning conditions recommended.

Officer Response - This is considered an unreasonable request. Environmental Health have no evidence that potentially contaminating land uses have existed on or in the vicinity of the site. A recent appeal dismissal indicated that conditions seeking contamination assessment should only be applied if there is evidence to show that contaminating uses have existed on site. The unsuspected contamination condition will be applied

- 6.16 **Southern Water** – Southern Water have previously raised no objection to development on this plot

## **7.0 Planning Consideration Key Issues**

- 7.1 The key issues for consideration in the determination of this planning application are:
- i. Principle of Development and other planning matters considered in the previous appeal decision;
  - ii. Impact on the adjacent Beech Tree

### **7.2 Principle of Development and other planning matters considered in the previous appeal decision**

- 7.3 It is clear the applicant has been attempting to gain planning permission to sub-divide the plot and erect a detached two-storey dwelling in the rear since 2007. The Local Planning Authority has refused previous planning applications on the basis of harm to the character and appearance of the area, amenity and tree impact. In seeking to achieve a dwelling on this plot the applicant has cleared and sub-divided the land from 11 Ardnave Crescent with the erection of a retaining wall and fencing around the site.

- 7.4 However the Local Planning Authority must now give significant weight to the previous appeal decision which dismissed the previous application on tree grounds alone. Paragraph 5 of the appeal decision indicates:

*"Given the topography, I do not consider that the proposed house would erode the character and appearance of the area of this corner plot, which is materially different from Nos. 21 & 23."*

- 7.5 In paragraph 6 The Inspector goes onto draw distinctions between the previous appeal decision and the earlier appeal dismissal from 2007:

*"The previous Inspector also stated that the house would lack the characteristic plot depth of other properties in the crescent. The plot depth of this proposal would also be less deep than other houses in the crescent, including the recently erected house at No.22A diagonally opposite. However, the proposed house is smaller and further forward than the one proposed in 2008 and so would occupy less of the site as well as providing a rear garden of satisfactory size for occupiers, and similar to the depths of the rear gardens of the houses in Cleek Drive. The new house would be set back from the street a similar distance to other houses in the crescent and I do not consider the relative lack of depth of rear garden to be so harmful to the character of the crescent that it warrants dismissal. The area's character, at least from the public realm, is more defined by the frontages."*

- 7.6 The Inspector raised no concerns on design grounds and was satisfied with the width of the access, amount of hardsurfacing / parking and landscaping mitigation. The inspector was also satisfied with the building separation distances and the garden sizes provided for the existing and proposed dwellings. The differences between the previous proposals and the current proposal in terms of design, scale and layout are negligible with the building moved further away from the boundary with 13 Ardnave Crescent by 2 metres and the proposed building footprint reduced in width by 2 metres. The building will be closer to the retaining wall but the difference in terms of spatial character will also be negligible with a 10 metre separation still provided between the side of the proposed dwelling and the rear of the existing house.
- 7.7 It is important that the retaining wall is repositioned in order to provide a 10 metre length rear garden for the existing property, a layout previously considered acceptable to the planning inspector. Therefore the only matter for consideration is the impact on the adjacent protected Beech tree on the boundary with 13 Ardnave Crescent.
- 7.8 Impact on the adjacent Beech Tree
- 7.9 There is a young Beech Tree adjacent to the western boundary within 13 Ardnave Crescent, protected under 'The Southampton (Ardnave Crescent) Tree Preservation Order 2007'. The previous scheme located the house outside of the root protection zone but in close proximity to the tree canopy and the Inspector was concerned this would harmfully constrain the trees future growth as indicated in paragraph 10:
- "The appellant's arboricultural impact assessment [AIA] concludes the development is achievable without detriment to this beech tree. However, the AIA also states that pruning will be required to the east side of its canopy in order to facilitate the construction of the house. It also recommends that a separation of 2 metres is created between the tree's canopy and the building, but it is clear from the plans that the canopy will be touching the house. I have no reason to disagree on the AIA's assessment of this tree's current root protection area, and that this would not be impinged by the western wall of the new house. However, the fact the canopy would touch it if it were not trimmed back causes concern especially because this is a healthy semi-mature specimen with a good shape that is likely to grow substantially in coming years, both taller and wider. There would inevitably be pressure to continue to prune the eastern side of its canopy as a result of the position of the new house, albeit there are no windows in its proposed western elevation."*
- 7.10 This current proposal has relocated the building a further 2 metres away from the Beech Tree. The Councils Tree officer is now satisfied that there is sufficient canopy clearance to allow the tree to grow and mature. As such it is considered the development will not longer harmfully compromise the future growth of this tree and no objection is raised



## **8.0 Summary.**

8.1 The differences between this current proposal and the previous refusal in terms of layout, design and scale are negligible. Therefore, it is considered that the development will not be harmful to the character and appearance of the area having regard to the previous appeal decision. Furthermore the development will not detrimentally harm the adjacent protected beech tree within 13 Ardnave Crescent having regard to the revised layout (following refusal 12/01670/FUL) and the Council's tree officer raising no objection. The development provides an additional family dwelling and assists the Council in meeting its housing need and targets.

## **8.0 Conclusion**

8.1 It is recommended that the application is conditionally approved.

### **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(b), 2(d), 4(f), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a), 9(b).

### **AG for 19/11/13 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 - Samples details of building materials to be used [Pre-Commencement Condition]**

No work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. 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 interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

##### **03. APPROVAL CONDITION - Refuse & Recycling Bin Storage - [Pre Occupation Condition]**

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

REASON:

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

04. 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, 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

05. APPROVAL CONDITION - Means of site enclosure [Pre-Occupation Condition]

Before occupation 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 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

06. APPROVAL CONDITION - No other windows or doors other than approved [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 windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

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

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

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

REASON:

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

08. APPROVAL CONDITION - Retaining wall

Details of the retaining wall and garden extended and laid to turf shall be submitted to and approved by the Local Planning Authority before development is commenced and the development shall not be occupied until the retaining walls have been constructed in accordance with the approved plans and retained thereafter

REASON: In the interests of slope stability and the visual amenities of the area and to achieve a layout deemed to be acceptable in the previous appeal decision.

09. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason:

To avoid undue congestion on the site and consequent obstruction to access.

10. 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.

#### 11. 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.

#### 12. APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

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

**Reason:**

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

#### 13. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

**Reason:**

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

#### 14. APPROVAL CONDITION - Arboricultural Protection Measures [Pre-Commencement Condition]

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates
- Procedures for dealing with variations and incidents.

**Reason:**

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

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

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

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

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

17. APPROVAL CONDITION - Nature conservation

Prior to the commencement of development a method statement, detailing how nesting birds and slow worms will be protected during site clearance and construction, shall be submitted to the Local Planning Authority and agreed in writing.

REASON: In the interests of nature conservation.

18. 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.

19. 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.

20. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

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

Reason:

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

21. APPROVAL CONDITION- Unsuspected Contamination [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:

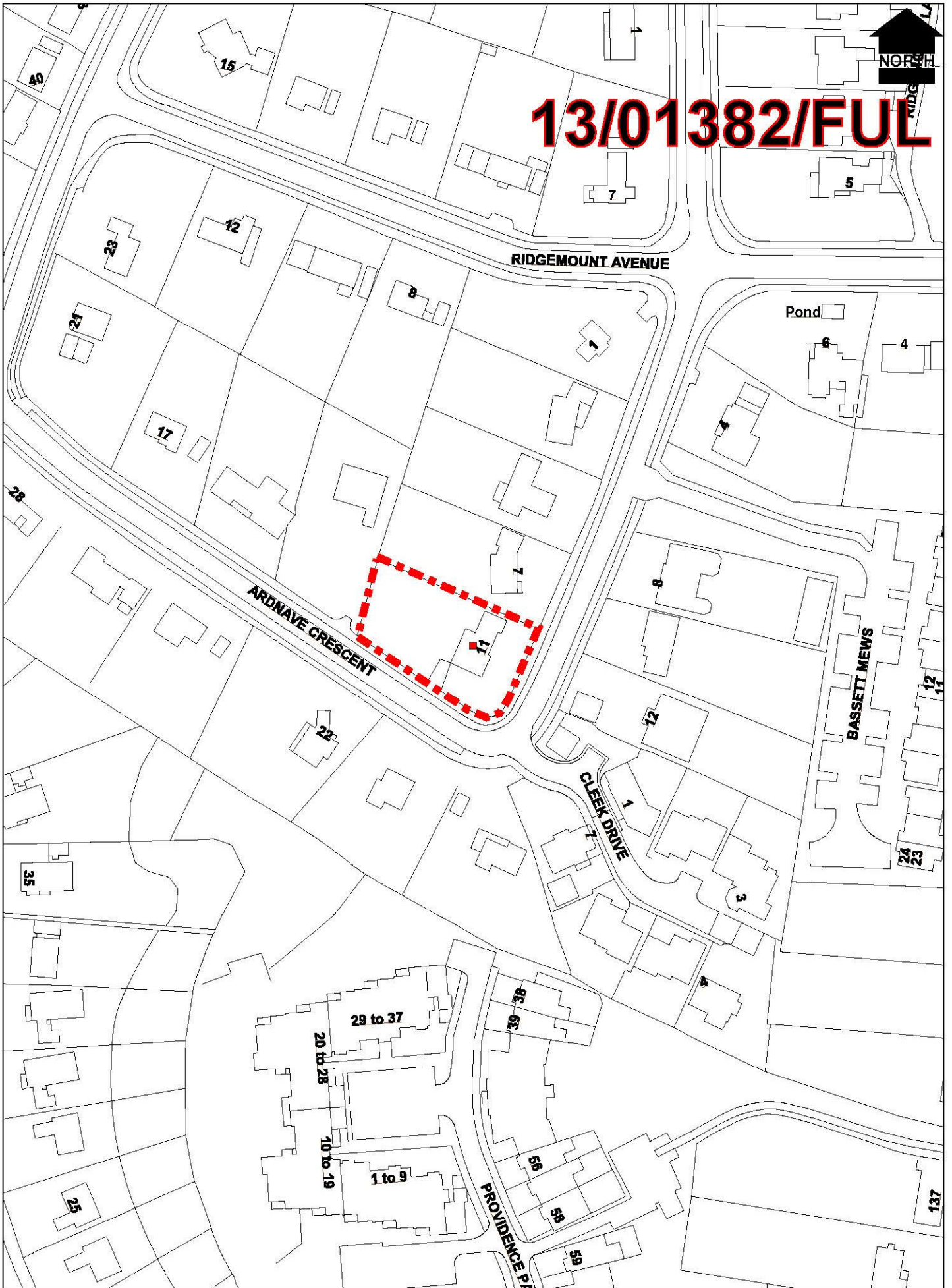
To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

22. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.



**13/01382/FUL**

Scale : 1:1250

Date 06 November 2013

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