

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (West) 25th August 2015
Planning Application Report of the Planning and Development Manager

Application address: Land to rear of 72-76 Bridge Road			
Proposed development: Erection of 2 x three bed, semi-detached houses with associated car parking, bin and cycle storage and vehicular access from Mullen close (resubmission)			
Application number	15/01107/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	27.07.2015	Ward	Peartree
Reason for Panel Referral:	Request by Ward Member and more than five letters of objection have been received	Ward Councillors	Cllr Houghton Cllr Keogh Cllr Lewzey
Referred by:	Cllr Lewzey Cllr Eamon Keogh	Reason:	Amenity and Parking

Applicant: Mr S Wood	Agent: Jenkins Architecture
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with the development plan as required by 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, SDP5, SDP7, SDP9, SDP10, SDP12, H1, H7 of the City of Southampton Local Plan Review (as amended March 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22 of the Local Development Framework Core Strategy Development Plan Document (as amended March 2015).

Appendices attached			
1	Development Plan Policies	2	Plans for 66 Bridge Road
3	Map of SCC Landownership and rights		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site contains the rear gardens belonging to 72, 74 and 76 Bridge Road. These are long gardens backing onto Mullen Close beyond the south-east boundary of the site. The gardens contain a number of mature protected trees which creates green landscape buffer along the edge of Mullen Close.
- 1.2 Mullen Close is adopted public highway and is a narrow cul-de-sac with sheltered housing raised above it to the south-east edge. There are existing on-street car parking bays along the public highway of Mullen Close and a thin strip of land, within SCC Housing Team's ownership, between the application site and the public highway itself. There is an existing vehicular access across the on-street car parking bays and the land owned by the SCC Housing team to part of the site at 74 Bridge Road.
- 1.3 There is an example of a dwelling within Mullen Close (no. 23) which has been recently built to the rear of 54 to 60 Bridge Road. Permission has been recently granted to erect a dwelling to the rear of 66 Bridge Road (ref no. 14/00404/FUL - see plans attached to **Appendix 2**).

2.0 Proposal

- 2.1 It is proposed to subdivide the rear gardens of 72 to 76 Bridge Road to create a new plot to erect a 2-storey building to provide 2 x three bedroom semi-detached dwellings. The site will utilise the existing vehicular access from Mullen Close into the rear garden of 74 Bridge Road.
- 2.2 The properties would be served by 4 off street parking spaces. The proposed dwellings will be served by 94 and 76sqm of private amenity space.
- 2.3 The dwellings would have a simple, traditional design appearance with pitched roofs, brick elevations and porch canopies to the front elevations.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.
- 3.3 Policy CS5 (Housing Density) of the Core Strategy acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land, however, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 3.4 Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council's approach to car and cycle parking standards for new developments in the city, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012).
- 3.5 The National Planning Policy Framework (NPPF) came into force on 27th 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.

4.0 Relevant Planning History

- 4.1 There is no relevant history for development on this site.

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 undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (04.06.2015). At the time of writing the report **14** representations have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 Comment

Impact on highway safety - The road and access is narrow for emerging vehicles and dangerous for pedestrians and those living in the sheltered housing block to the south. There will be increased traffic and pressure for on-street parking from visitors, and 3 parking spaces, serving the sheltered housing will be lost.

Response

As noted above, there are existing on-street car parking bays marked out along Mullen Close. The application site proposes a single point of access from Mullen Close, which currently appears to be used for access/parking associated with no. 74 Bridge Road. As the land is public highway, there is no automatic right to rely on it for car parking purposes. The proposal provides two car parking spaces for each dwelling which meets the Council's maximum standards. As such, there is no reason to assume that the proposal would increase on-street car parking pressure in the locality. Furthermore, it is important to note that since Mullen Close is not a classified road, planning permission is not required to form new points of access from it. As such, the Council's Highway Team have raised no objection to the application.

5.1.2 Comment

Loss of amenity - The elderly residents in Mullen Close would suffer from noise disturbance of younger persons and families.

Response

It is not unusual for families to live amongst elderly persons within a mix and balanced community and the National Planning Policy Framework encourages this approach. Furthermore, this situation currently exists with family dwellings on nearby Poole Road and as recently approved at 23 Mullen Close and rear of 66 Bridge Road.

5.1.3 Comment

The proposal represents overdevelopment of the site and would set a precedent for similar development.

Response

There is adequate space within the subdivided plot to provide the dwellings and their necessary private garden space, parking area and the requisite storage. Separation distances between the dwellings and the neighbours would also be sufficient. As such, the design and layout does not demonstrate any symptoms of over-development. In terms of precedent, each site is assessed on its own individual merits and it is important to note that this site is unique as it already benefits from a vehicular access from Mullen Close.

5.1.4 Comment

There would be noise, disturbance and dust from the building works.

Response

The impacts of construction can be adequately mitigated by the recommended planning conditions (conditions 10, 11 and 12 refer). The construction hours will not take place during anti-social hours. This is accepted practice for all development in the city which will always have a temporary impact on peoples' lives.

5.1.5 Comment

Loss of trees and biodiversity which act as a screen of the back gardens of the along Bridge Road.

Response

The Tree Officer has not raised an objection to the trees being removed which are not subject to a Tree Preservation Order and have no significant amenity value within the street scene. The Ecology Officer has advised that the impact on biodiversity and wildlife can be adequately mitigated by the recommended conditions (see conditions 07, 15 and 16).

5.1.6 Comment

Groundworks would cause a brook in Mullen Close to seep into Poole Road.

Response

Southern Water have raised no objection. The issues of surface water disposal and adequacy of soakaways falls under the assessment of Building Regulations.

5.1.7 Comment

The development would rely on access rights to land belonging to SCC.

Response

A notice has been correctly served on the Council in connection with Ownership certificate B to declare that development will take place on Council land (the strip of land under the Housing Portfolio). Notwithstanding that permission can be granted for the development, the applicant would still have obtain permission from the relevant SCC Departments to be able to unlock the development of the site. The Highway Officer has advised that there are public access rights for vehicles across the car parking land (managed under the Housing Portfolio), as public highway rights to pass over an adopted highway take precedent over the SCC Housing ownership rights in this instance.

5.2 **Consultation Responses**

5.2.1 **SCC Highways** – No objection, subject to conditions to maintain on site turning, waste management, and construction management.

5.2.2 **SCC Sustainability Team** – No objection, subject to conditions related to energy/water efficiency and sustainable urban drainage.

5.2.3 **SCC Environmental Health (Contaminated Land)** - No objection, subject to a condition to assess the risk of land contamination

5.2.4 **SCC Ecology** – No objection, subject to a condition to carry out the biodiversity mitigation plan submitted, controlled clearance of vegetation, and protocol to remove Japanese Knotweed.

5.2.5 **Southern Water** – No objection

5.2.6 **SCC Trees team** - No objection, subject to condition for necessary tree protection measures and replacement trees

5.2.8 **SCC Heritage** - No objection or conditions suggested.

6.0 **Planning Consideration Key Issues**

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

- Principle of Development;
- Impact on Character and Amenity and;
- Impact on Highway Safety

6.2 Principle of Development

6.2.1 Whilst residential gardens are not previously developed land in planning terms, the National Planning Policy Framework requires the Council to set its own policies to resist inappropriate development in rear gardens where harm is caused to the character of the local area (para 53 refers). The Council does not have adopted policies which resists the use of gardens for new development and, therefore, the site should be assessed on the basis of the context and character of the local area. The proposal would contribute towards the delivery of housing and the provision of genuine family housing would meet an identified need and is, therefore, welcome. The principle of development is, therefore, acceptable.

6.3 Character and Amenity

6.3.1 A land parcel has been formed by subdividing the long rear gardens of 72 to 76 Bridge Road served by a vehicular access from Mullen Close consisting of the established access across SCC highway and housing land.

6.3.2 The proposed 2 storey dwellings would be set back 14.5m from the edge of Mullen Close with the front hardstanding mainly screened by the Sycamore to be retained (in the neighbouring garden of 78 Bridge Road) and the front boundary landscaping. The dwellings are of traditional design and modest proportions which do not detract from the mixed character and appearance of the surrounding area.

6.3.3 The backland development of the residential gardens would not be out of context with Mullen Close given the development approved to the rear of 66 Bridge Road (ref no. 14/00404/FUL) and the dwelling built at 54 to 60 Bridge Road. As such, it is considered that this would not be harmful to the character of the surrounding area. The concern about setting a precedent is noted however the scope to redevelop the entire length of Mullen Close is limited by the retention of the protected trees in the gardens to the north of the site and the lack of access through the existing parking spaces.

- 6.3.4 The proposal would result in the removal of a number of trees, however, the Tree Officer has commented that there are no remarkable trees on the site of the proposed properties and, therefore, does not object to the removal of these trees to facilitate the building of the properties. With the felling of these trees suitable replacement trees should be provided through the landscaping of the new dwellings. A Method Statement can be submitted by condition to further agree the method of protection of the root protection area of the neighbouring trees within the grounds of 78 Bridge Road and the large Sycamore in the rear garden of 70 Bridge Road.
- 6.3.5 In terms of the inter-relationship with the existing properties, the length of the gardens are sufficient to ensure that the minimum back-to-back privacy distance of 21m is achieved, whilst adequate garden space is retained for these properties. As such, the proposal is not considered to be an overdevelopment of the site.
- 6.3.6 The internal and external layout of the proposed family dwellings themselves would provide a suitable residential environment for future occupiers.
- 6.3.7 The proposed dwelling would sit in a small dip with a sizeable separation between the sheltered housing on the opposite side of the road of Mullen Close which sits on raised bank. This is adequate separation distance and physical buffer between the properties to ensure that the existing residents' amenity is not adversely affected. The concerns of the Mullen Close residents from introducing family housing is noted, however, it is not unusual in the city for families to live amongst elderly persons within a mix and balanced community. This impact would be substantially outweighed by the benefits of providing suitable family housing and policy support for mixed and balanced communities.

6.4 Highway Safety

- 6.4.1 The site is accessed via public highway which includes on-street car parking and also a strip of SCC Housing land. However, the Housing land ownership rights would not prevent rights of the public to access the public highway. Furthermore, it is not unusual for planning applications to include land outside of the ownership of the applicant; this is a legal matter which would need to be dealt with outside of the planning process. As noted above, a single point of access to the site is proposed and this would be across an area of land which currently appears to be used for parking and access to part of the application site at 74 Bridge Road. The recommended planning conditions (see condition 9 below) would prevent the proposed dwellings from being occupied until the access arrangements are formalised.
- 6.4.2 The proposed development has on-site turning facilities and accommodates 4 parking spaces. Mullen Close is a cul-de-sac road which does not contain the highest level of traffic and therefore Highway Officer considers the

access to be acceptable. Due to the low level of traffic, it is not considered that the environment is hostile for vulnerable road users, and the proposed parking layout is not too dissimilar to a long parking area in front of a residential development. There are also alternative routes for residents in Mullen Close towards South-West direction where a dropped access is also available for wheelchair users (there is also one at the Mullen Close entrance – south side).

6.4.3 Further details of the management of bins and how the refuse team will be able to access them can be agreed by condition.

6.5 Other Issues

6.5.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7.0 Summary

7.1 In summary, the subdivision of the rear gardens forming the site would contribute towards the city's need for family housing whilst ensuring that the character and amenity of the local area maintained and not adversely affecting the highway safety of the users within Mullen Close. The noise and disturbance issues affecting nearby elderly residents during construction cannot be avoided as this is the nature of all development within Southampton, however, this disturbance can be minimised by limiting the hours of construction at anti-social times during the day.

8.0 Conclusion

8.1 In conclusion, the proposed development is considered to be acceptable in accordance with the Council's planning policies and guidance and, therefore, can be recommended for conditional approval.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

1 (a), (b), (c), (d), 2 (b), (d) 6 (c), 7 (a), 9 (a) and (b)

SB for 15/09/15 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 of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

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 - Energy & Water [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

04.APPROVAL CONDITION - Energy & Water [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason:

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

05.APPROVAL CONDITION - Refuse & Recycling [Pre-Occupation Condition]

Prior to the first occupation of the dwellings hereby approved details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. This shall also include a waste management plan detailing the moving of bins to and from a dedicated refuse collection point on collection days only. Such facilities and management plan as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

06.APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The cycle store for a minimum of 1 cycle space for each dwelling hereby approved shall be provided prior to the first occupation of the dwellings and thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

07.APPROVAL CONDITION - Landscaping [Pre-Commencement Condition]

Notwithstanding the submitted details before the occupation of the dwellings hereby approved a detailed hard and soft landscaping scheme and implementation

timetable shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include hard surfacing materials; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate; a landscape management scheme. The replacement for trees felled during the development shall be on 2 for 1 basis.

The approved hard and soft landscaping scheme for the whole site shall be carried out prior to occupation of the dwellings 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.

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.

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

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

The boundary enclosure details hereby approved shall be erected prior to the occupation of any of the units provided under this permission and such means of enclosure 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.

09. APPROVAL CONDITION - Parking and access [Pre-Occupation Condition]

The development to which this consent relates shall not be occupied in full or in part until parking spaces and on-site turning area have been laid out within the site in accordance with the plan number 101 and shall thereafter be retained. This shall also include the layout of the access points onto Mullen Close to be laid out in accordance with this plan.

Reason:

To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety by providing safe access to the development.

10. 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.

11. 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.

12. 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.

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

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

Reason:

To ensure the provision of adequate amenity space in association with the existing and approved dwellings.

14. APPROVAL CONDITION - Residential - Permitted Development Restriction
[Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, 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

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the short garden length of the dwellings to the north-west boundary provided as part of this development.

15. 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 in the Ecological Survey, November 2014 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.

16. 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

17. APPROVAL CONDITION – Removal of Japanese Knotweed

A protocol for the removal of the Japanese Knotweed present on site shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall then be implemented in accordance with the approved details.

Reason:

The ecology report highlights the presence of Japanese knotweed, an invasive non-native species, on the site. Under the Wildlife and Countryside Act it is illegal to allow this plant to spread into the wild.

18. 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 scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

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

19. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance 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.

20. 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.

21. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)

Prior to the commencement of development a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

22. 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.

23. 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.

24. 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.

25. APPROVAL CONDITION - Arboricultural Method Statement [Pre-Commencement Condition]

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots.
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs).
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason

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

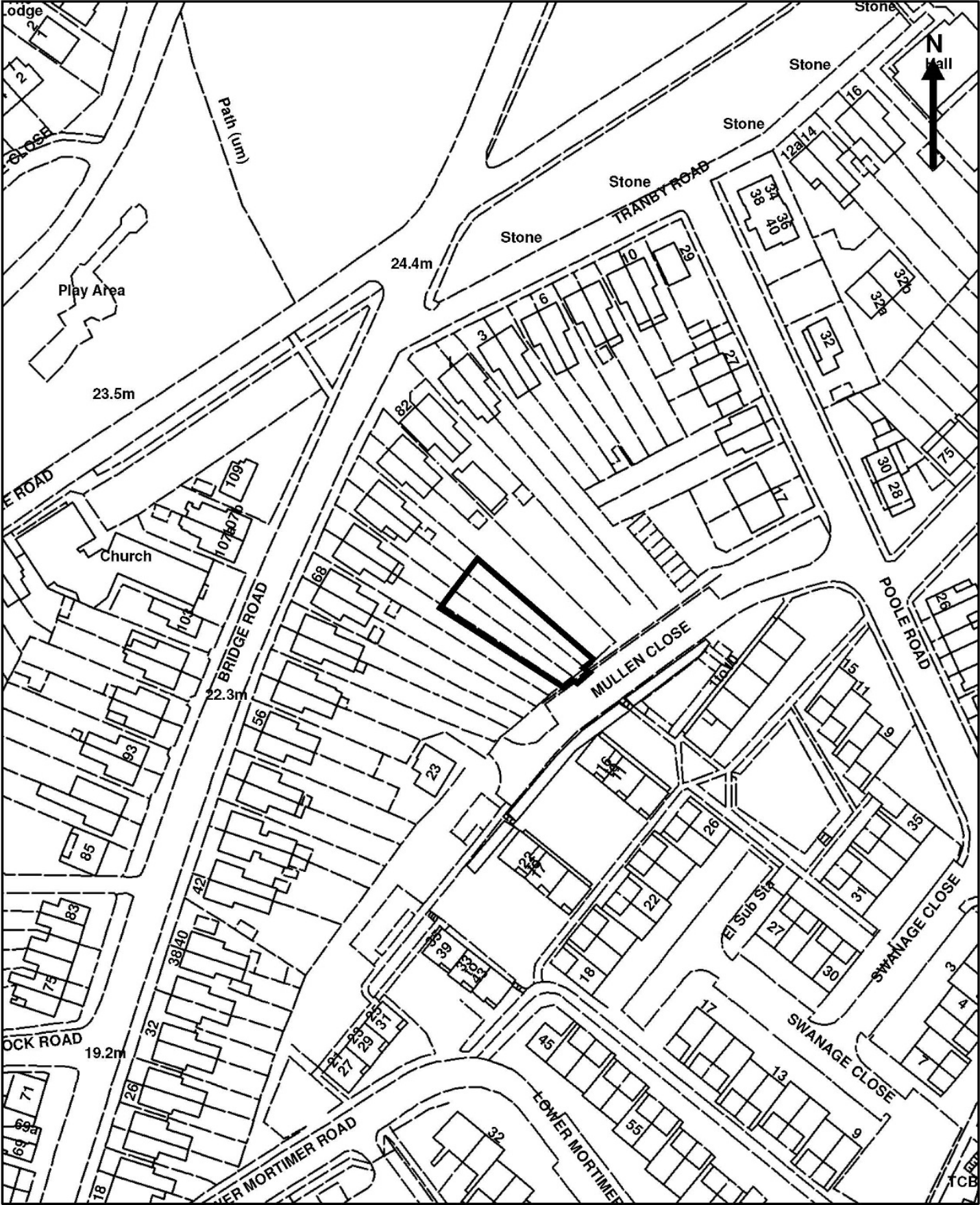
26. APPROVAL CONDITION - Approved Plans

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.

15/01107/FUL



Scale: 1:1,250

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