

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel (West) 3 May 2016
 Planning Application Report of the Planning and Development Manager**

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| Application address: Land to the rear of 38-40 Lime Avenue | | | |
| Proposed development: Erection of 2 x 3-bedroom detached dwellings with associated car parking, cycle and bin stores with access from Lime Close | | | |
| Application number | 16/00406/FUL | Application type | FUL |
| Case officer | Anna Lee | Public speaking time | 5 minutes |
| Last date for determination: | 13.05.2016 | Ward | Sholing |
| Reason for Panel Referral: | Five or more letters of objection have been received | Ward Councillors | Cllr Hecks Cllr Jeffery Cllr Wilkinson |

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| Applicant: Mr M Dexter | Agent: Concept Design & Planning - Fao Mr Rob Wiles |
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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 and the recent Planning Inspectors decision for the previous identical application 15/00899/FUL and the similar scheme 14/00856/FUL. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. The reasons for refusal associated with 15/00899/FUL are considered to have been addressed. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS4, CS5, CS13, CS15, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010) and National Planning Guidance contained within the National Planning Policy Framework.

| Appendix attached | | | |
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| 1 | Development Plan Policies | 2 | Planning History |
| 3 | Appeal Decision 14/00856/FUL | 4 | Appeal Decision 15/00899/FUL |

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site comprises garden land to the rear of 38-40 Lime Avenue. The topography of the area falls from north to south, with a site level change of approximately 5m from north to south. The surrounding area has a suburban residential character, predominantly comprising bungalows, some of which have been extended to provide accommodation within the roof. No's 5 and 7 Lime Close are genuine chalet-bungalows. Two-storey flatted development is located further to the south-west (Valley View). Sholing Common Greenway and allotments are located to the south. There are no parking restrictions within Lime Close. Many properties have off-road parking. Lime Close is narrow in places and on-street parking mounts the kerb.
- 1.2 The south-eastern end of Lime Close terminates with a hammerhead and has a backdrop of trees and vegetation located within Sholing Green (Protected Site of Importance for Nature Conservation). The greenery and open space which terminates the vista at the end of the street is an important characteristic of the street and creates a sense of openness within this suburban housing estate.

2. Proposal

- 2.1 The proposal seeks to subdivide the gardens of 38-40 Lime Avenue to form a development plot with access taken from Lime Close. The scheme proposes two detached two-storey dwellings orientated north-south with rear windows and gardens facing towards Sholing Greenway. The topography of the area falls from north-west to south-east and the scale of buildings have been designed to reflect the change in levels, with two-storey housing on higher ground and bungalows and chalet-bungalows as you drop down the hill.
- 2.2 The proposed dwellings are single storey in design to the front elevation and two storey to the rear due to the land level changes. The dwellings measure 2.7m to eaves and 5.7m to ridge fronting Lime Avenue with rear garden sizes 10m in length and in excess of 90 square metres in area. An access drive is located to the front which gains access from Lime Close, this area will be formed in grasscrete to soften the appearance of the new development. Each of the dwellings is provided with two parking spaces and the front is further landscaped to reduce the appearance of the development.
- 2.3 Both of the units provide three bedrooms, with the kitchen/diner and lounge at ground floor and the bedrooms at first floor. Pedestrian access to these units is via Lime Avenue and vehicular access is via Lime Close.

3. 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 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. Relevant Planning History

- 4.1 This site has a complicated planning history, which is material to the determination of this planning application. An application (LPA ref **14/00856/FUL**) for the erection of two 2-storey, 4-bedroom detached houses with associated parking and cycle/refuse storage and altered vehicular access from Lime Close (resubmission) was refused by Panel 5th August 2014 and a subsequent appeal was dismissed on the grounds the development harmed the character of the area.
- 4.2 An identical application to this current scheme (LPA ref **15/00899/FUL**) that sought to address the previous reasons for refusal was submitted for the erection of 2 x detached 3- bedroom dwellings with bin/cycle stores and parking. That scheme was refused under delegated powers on 25th June 2015 and the appeal was defended on the basis that the development was out of keeping with the character and appearance of the area as well as the failure to mitigate the developments impacts. The Planning Inspectorate disagreed with the first reason for refusal as they felt the development would not harm the character of the area. However, they agreed with the second reason as they felt a legal agreement was required to secure the financial contribution required to mitigate the development. A list of the previous applications including reasons for refusal can be found at **Appendix 2** and a copy of the appeal decisions can be found in **Appendices 3 and 4** respectively.
- 4.3 **13/01642/FUL** – Refused by Planning Panel on 20.01.14
Erection Of 3 X 2-Storey 3-Bedroom Detached Houses With Associated Parking And Cycle/Refuse Storage Involving Creation Of An Altered Vehicular Access From Lime Close. (Resubmission)
13/00925/FUL - Refused under delegated authority on 27.08.2013
Erection of 1 x 2-storey and 2 x 3-storey 3-bedroom detached houses with associated parking and cycle/refuse storage involving creation of a new vehicular access from Lime Close.
04/00257/OUT - Refused under delegated authority on 07.04.2004
Outline application for the siting of 1 no. detached bungalow.
03/01309/OUT - Refused under delegated authority on 17.12.2003
Outline application for the erection of a pair of semi- detached bungalows (consideration of siting only).

5. 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 (01.04.2016). At the time of writing the report **16** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 Development will lead to overspill parking within Lime Close

Officer Response

Two car parking spaces per three-bed dwelling satisfies the Council's maximum car parking standards. The level of parking provision satisfies national and local planning policy. Parking overspill did not form a reason for refusal for the previous application as the planning inspector in the 2014 appeal decision stated that the development would not result in excessive increase in parking pressure.

5.3 Out of character and over development / this proposal does not address previous reasons for refusal for residential redevelopment

Officer Response

The proposed scheme is materially different from the design and form of the previously refused dwellings in 2014. The recent appeal decision received in 2016 is now a material consideration as the planning inspector felt the proposal did not harm the character of the area.

5.4 The proposal will cause a strain on existing utilities of which the sewage and surface water drainage is of most concern. These drainage systems are already operating at capacity.

Officer Response

Southern Water are responsible for drainage arrangements and have raised no objections to the application. The previous appeal decision was not dismissed for this reason.

5.5 The area suffers from subsidence and development may lead to structural damage to neighbouring properties. Furthermore the valley is always saturated and flooded.

Officer Response - Appropriate foundation design solutions will be assessed at Building Regulations stage. The developer has a duty of care and any damage to neighbouring properties is a civil matter. Planning permission cannot be refused for this reason and this did not form a reason for refusal previously. The topography of the area means that water will flow towards the valley. The application site is situated on the slope but not at the lowest point. Land drainage and soakaway design will be considered at Building Regulations Stage.

5.6 Building traffic would cause parking and access problems within Lime Close and would lead to pedestrian health and safety concerns.

Officer Response - Construction traffic is an inevitable result of development and planning permission cannot be refused for this reason. The developer has a duty of care in relation to pedestrians when using public roads. The two appeal decisions were not dismissed for this reason.

- 5.7 **Lime Close is a narrow cul-de-sac and parked vehicles make access difficult**
Officer Response - Lime Close provides sufficient width for vehicle access and no objection has been received by the Council's highway engineers. The proposed two additional homes will not alter the access arrangements for existing residents. The 2014 and 2016 appeals were not dismissed for this reason.
- 5.8 **Overlooking and loss of light to neighbouring properties**
Officer Response - There will be no harmful overlooking. There are no windows to the side and the front windows will only be ground floor level. Rear windows will face towards the greenway. The height of the development is single storey at its nearest part to the neighbours and the land levels lowers. Due to this and the separation distance the loss of light to the adjacent neighbouring occupiers is not sufficiently harmful to the neighbouring properties. This was agreed by the Planning Inspector in the 2016 application.
- 5.9 **Impact on the turning head**
Officer Response – The turning head would be kept clear to allow residents to access and egress the development site. Any vehicle obstruction of a site access is a matter for the police.
- 5.10 **Existing undersized drains do not have the capacity for any additional rainwater run-off caused by the excessive hardstanding**
Officer Response - The development will install soakaways and permeable surfacing. Connection to the public sewer would be a last resort. The scheme include grasscrete to reduce the overall runoff. The previous appeal decisions were not dismissed for this reason.
- 5.11 **Ecology impact near Sholing Valley**
Officer Response - The Council's ecologist has raised no objection subject to a condition relating to nesting birds.

Consultation Responses

- 5.12 **SCC Highways – No objection raised**
Suggested conditions require details of refuse and cycle storage, surface treatment to car park area and parking spaces to be marked out and available prior to commencement of development.
- 5.13 **SCC Sustainability Team – No objection raised**
Conditions are recommended in order to ensure compliance with Policy CS20 which relate to energy and water restrictions.
- 5.14 **SCC Environmental Health (Pollution & Safety) – No objection raised**
No objection subject to conditions to secure a construction environment management plan and control on working hours.
- 5.15 **SCC Ecology – No objection raised**
Adjacent to the site is a section of the Shoreburs Greenway Site of Importance for Nature Conservation (SINC). The vegetation along the south eastern edge of the site straddles the boundary with the SINC and helps to provide a continuous corridor along the adjoining rear gardens. The proposed layout will require the removal of the much of the vegetation within the gardens which will have implications for breeding birds. All breeding birds and their nests receive

protection under the Wildlife and Countryside Act 1981 (as amended). Vegetation clearance should therefore be timed to occur outside the breeding season, which runs from March to August inclusive, or at other times of the year following an inspection by a suitable qualified and experienced ecologist and as such a condition is recommended. To mitigate for the loss of the garden vegetation a landscaping scheme that incorporates native and ornamental species with recognised wildlife value should be secured via condition.

5.16 **Southern Water – No objection raised**

No objection subject to an informative requiring connection to the public sewerage system.

6. **Planning Consideration Key Issues**

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

- Previous reasons for refusal/ Planning Inspectorate's decision;
- Principle of development;
- Design and amenity;
- Highway safety; and
- Development Mitigation

6.2 **Previous reasons for refusal/ Planning Inspectorate's decision**

The Panel are being asked to consider whether or not this scheme has addressed the concerns raised when the Council refused the earlier identical scheme. An identical scheme was previously refused (LPA ref **15/00899/FUL**) for the impact on the character of the area and failure to mitigate against the developments impact on the integrity of international designations (Solent coastline). The reasons for refusal are set out in full at **Appendix 2**. Prior to the appeal decision the Council felt the proposal resulted in a detrimental impact on the character of the area. However, it is clear from the Planning Inspector's reasoning below that the character of the area would not be significantly harmed by the proposal. The Planning Inspector in the 2016 decision stated;

The current appeal scheme proposes two dwellings of a similar siting to the previous proposal but their height and scale has been reduced. Utilising the sloping site, the dwellings would appear as single storey in height from the front and two storeys in height from the rear. The ridge lines and overall massing of the dwellings would be significantly reduced from the previous proposal which would result in the development relating more sympathetically in appearance with the existing properties in Lime Close and impinging less on the views towards the Greenway from Lime Close. (Paragraph 9:2016)

The Inspector led on to conclude that;

'As set out above, the reduction in height of the dwellings would assimilate their built form sympathetically into their surroundings resulting in a much less visually intrusive development than previously proposed. Their reduced massing and revised design would also overcome the Inspector's concern raised regarding their monolithic and bland appearance. In the absence of harm from the other elements of the proposal which were previously considered to be unacceptable, I do not

consider in this case that the extent of the driveway and parking area at the front of the dwellings is a matter which considered alone would result in significant harm to the character and appearance of the area.....In conclusion on this issue, the development would not result in any significant impacts upon the character and appearance of the area.’ (Paragraph 13:2016)

- 6.2.1 With respect to the second reason for refusal, although the applicant made a contribution, the Inspector felt that the financial contribution does not ‘*provide any legal certainty or guarantee that the contribution would be used for its intended purpose*’ (paragraph 5) and stated the following;

‘During the consideration of the appeal, the appellant has made a direct payment to the Council by cheque for the sum required accompanied by a ‘Habitats Mitigation Contribution Agreement’ under Section 111 of the Local Government Act 1972. The Council states that the financial contributions it seeks towards the SDMP are focused on visitor management measures.’ (Paragraph 4:2016)

‘Nevertheless, I have certain reservations about the form of the agreement which does not have the same legal basis as an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).’ (Paragraph 5:2016)

The reason for the contribution is set out below. All new development is expected to meet the additional costs or make available additional infrastructure provision, where the need for it arises as a direct result of the development. A substantial amount of housebuilding is planned around the Solent, creating additional recreational pressures which will impact on the three Solent Special Protection Areas (SPA’s), increasing disturbance to waders and wildfowl within the SPAs, with such disturbance reducing the birds’ opportunities to feed and impact on their winter survival and completion of their migratory journey to their summer-time habitats.

- 6.2.2 The research into those potential impacts was undertaken between 2009 and 2013 and it concluded that mitigation measures are required to ensure that the additional recreational activity does not result in harm to the SPAs, with mitigation required for housing developments several kilometres inland from the SPAs. The mitigation measures are being funded by financial contributions from housing developments, based on £174 (increased to £176 for applications received after April) per dwelling developer contribution. Policy context locally originates predominantly within the Council’s Core Strategy (January 2015), Policy CS22 – Promoting Biodiversity and Protecting Habitats (Para 5.4.28). National and European Policy resides within The Conservation of Habitats and Species Regulations 2010 (as amended) which provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA), which 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. In addition the National Planning Policy Framework (NPPF) contains a presumption in favour of sustainable development, but paragraph 119 states that this presumption does not apply where the development requires appropriate assessment under the Birds or Habitats Directives above.

- 6.2.3 There is a requirement for a developer contribution to mitigate against the impacts on the Solent SPAs is the Conservation of Habitats and Species Regulations 2010 which sets out how Local Planning Authorities must deal with planning applications that have potential to impact on European protected sites. Paragraph 020 of the Government's Planning Practice Guidance 'Planning Obligations' states that for sites below the threshold, authorities may still "*seek contributions to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of regulatory or EU Directive requirements*".
- 6.2.4 The applicant has provided the Council with a financial contribution in line with the Appeal decision. In order to comply with the requirements of the contribution a payment needs to be paid either via a financial contribution or through a unilateral undertaking. The payment has been received therefore complying with the requirement. The application still needs to be assessed against the development plan taking account of the following issues.

6.3 Principle of Development

- 6.3.1 The redevelopment of this site for residential use is acceptable in principle and accords with the policies within the development and central government's guidance (through the National Planning Policy Framework) to promote sustainable and efficient use of land for housing development providing the character of an area is not compromised. The Planning Inspector in the 2014 appeal decision stated that;

'The size and shape of the site are such that some form of development could be accommodated as an infill of the space between Nos. 38 and 40 Lime Avenue and 3 Lime Close.' (Paragraph 16:2014)

The development does result in the development of garden land but the resultant plot sizes are comparable to those which already exist within the area. The level of development of 26 dwellings per hectare (dph) fits within the low density parameters for the site having regard to criteria 1 of policy CS5 of the Core Strategy. This indicates that development density should have regard to the character and appearance of the existing neighbourhood. This density level is in fact lower than the recommended minimum density of 35 dph for an area of low accessibility such as this. The provision of genuine family housing is welcomed and the proposed residential mix fulfils the requirements of Policy CS16 of the Core Strategy whilst assisting the Council meeting its housing need. It should be noted that the Council has a target of delivering an additional 16,300 homes by 2026.

6.4 Design and amenity

- 6.4.1 The proposed design and layout of the development is not considered to be harmful to the character and appearance of the area. The street scene is not so homogenous that it cannot incorporate design variety. Buildings in the area are not uniform in terms of design and scale. Ridge heights vary because of the changing topography. Many bungalows in the area have been adapted with extensions and roof additions and dormer windows. There are also existing chalet bungalows and two-storey housing located nearby. The scheme has been reduced to single storey and the materials used will be a mix of render and red brick in line with surrounding properties. Landscaping and tree planting is proposed to soften the site frontage.

6.4.2 The residential amenities of nearby residents will not be significantly harmed. The proposed development will not give rise to harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance, level changes and the orientation of the proposed dwellings in relation to neighbouring properties. The development has been pulled away from the front boundary by 8 metres which maintains good outlook to the front of 3 Lime Close. New tree planting is also proposed to soften the appearance of the development when viewed from 3 Lime Close. This degree of separation will prevent harmful shadowing or loss of light to 3 Lime Close. Tree planting is also proposed along the northern boundary to prevent inter-looking with no. 38 Lime Avenue. The proposed buildings will be set a distance of 11m from the boundary with no. 38. The development also satisfies the 45-degree code in respect of outlook and day lighting to no. 40 Lime Avenue and the development is nearly 6m from the shared boundary. The Planning Inspector agreed that the proposal would not harm the adjacent neighbouring occupiers as they stated;

'The proposal has been designed to minimise its impact on the living conditions of neighbouring residents. I consider that there would be little or no potential for overlooking of, or loss of privacy for the properties immediately adjacent to the site.' (Paragraph 5:2014)

6.4.3 All new residential development is expected to provide prospective residents with a good living environment. The internal layout is compatible with modern living standards. All habitable rooms will receive adequate outlook, ventilation and day lighting. The development provides 10m length rear gardens, in excess of 90 square metres in area, which is acceptable and satisfies the Councils minimum standards as set out within the Residential Design Guide SPD. The proposal provides adequate facilities for cycle and refuse storage. Overall the scheme provides suitable living conditions for the future occupiers and it does not result in detrimental harm to the neighbouring occupiers.

6.5 Highway Safety

6.5.1 The application site is within an area, which is not easily served by public transport. The level of parking provision proposed needs to be assessed against the parking standards set out in the adopted Local Plan and Parking Standards SPD, which are maximums. Therefore careful consideration needs to be made of the implications of the proposed number of spaces. The scheme proposes two spaces per dwelling which accords with the Councils maximum parking standards. There is no national or local policy requirement for the developer to design in visitor parking.

6.5.2 The level of parking provision and access arrangement will not prejudice highway safety. Sufficient access width will be maintained within Lime Close for emergency and general vehicles. The situation may be improved at the turning head because the access will need to be kept clear for the new development. The parking provision and road safety issues were addressed in the 2014 Inspectors Decision as set out below;

'while I accept that the current situation is difficult and the proposal would result in some increase in pressure for on-street parking, I consider that it is unlikely to be excessive as a result of these two dwellings and that, on the basis of the information before me, it would not be reasonable to take

account of parking generated by the schools. I do not consider that the potential increase in parking demand would be such as to compromise highway safety and I am not persuaded that the concerns regarding parking would be sufficient reason on their own to justify dismissing the appeal.’ (Paragraph 24:2014)

Therefore on this basis the proposal addresses previous concerns relating to parking and highway safety

6.6. Development Mitigation

- 6.6.1 As set out above in section 6.2 of the report the applicant has provided a financial contribution to comply with the Conservation of Habitats and Species Regulations 2010 (as amended). This contribution is a Solent wide project and therefore it is clear to see the money will be used for *‘its intended purpose’*. Therefore, officers believe regardless of how the money is paid be it via a financial contribution of a section 106 legal agreement/unilateral agreement the money will be used for the work set out above, therefore addressing the reason the Inspectorate dismissed the previous scheme.

7. Summary

- 7.1 Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The SDMP has been paid and therefore the reason for the Planning Inspectorate dismissing the proposal has been addressed. The proposed layout and density provides an acceptable residential environment for future occupiers. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework.
- 7.2 A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. The development will not lead to harmful levels of traffic, congestion or overspill parking within Lime Close having regard to the Council’s maximum car parking standards. Furthermore significant weight is given to the merits of housing delivery on this site.

8. Conclusion

It is recommended that planning permission be granted subject to conditions.

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)

ARL for 03/05/2016 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 - 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.

04. Construction Management Plan (Pre-Commencement)

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Management Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

05. APPROVAL CONDITION - Residential - Permitted Development Restriction (Permanent 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 including basements,
- Class B (roof alteration),
- Class C (other alteration to the roof),
- Class F (hard surface area)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the limited rear garden sizes in the interests of protecting the character of the local area.

06. APPROVAL CONDITION - No other windows or doors other than approved (Permanent 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 windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level on the north-east and north-west elevations of 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 - Landscaping detailed plan (Pre-Commencement Condition)

Before the commencement of any site works a detailed landscaping scheme demonstrating the inclusion of native and ornamental species 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 include suitable tree planting along the northern and western boundary, as shown on the site plan hereby approved, to soften the appearance of the development from Lime Close and to provide privacy to 38 Lime Avenue. It should also include grasscrete as the surface treatment of the hardsurfacing of the parking and vehicular circulation area.

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

08. 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

09. APPROVAL CONDITION - Storage / Removal of Refuse Material (Pre-Occupation Condition)

The facilities for bin storage to include accommodation and the provision of separate bins for the separation of waste to enable recycling shall be provided in accordance with the approved plans prior to the first occupation of the dwellings hereby approved and thereafter shall be retained whilst the building is used for residential purposes.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties

10. 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).

11. 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).

12. 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

13. APPROVAL CONDITION - Car Parking

The car parking area shown on the approved drawing shall be laid out and surfaced with grasscrete before the use hereby permitted commences and shall thereafter be kept clear and maintained at all times for that purpose. The turning area shall be kept clear unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To prevent obstruction to traffic in neighbouring roads.

14. 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.

15. APPROVAL CONDITION – Site Levels (Pre-Commencement Condition)

Prior to the commencement of development details of finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to secure a satisfactory form of development.

16. APPROVAL CONDITION - Approved Plans (Performance Condition)

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.