

**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel 2nd August 2016  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 70 Cobden Avenue			
<b>Proposed development:</b> Redevelopment of the site. Demolition of the existing building and erection of 7 x dwellings (2 x 4-bed, 3 x 3-bed, 2 x 2-bed flats) with associated access, parking and landscaping (resubmission of 16/00083/FUL)			
<b>Application number</b>	16/00888/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	19.07.2016	<b>Ward</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors</b>	Cllr Fuller Cllr White Cllr Inglis
<b>Referred to Panel by:</b>	Cllr Fuller	<b>Reason:</b>	

<b>Applicant:</b> Southcott Homes (Fareham) Limited	<b>Agent:</b> Neame Sutton Limited
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</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. 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, SDP5, SDP7, SDP9, SDP10, SDP12, H1, H2, H7, NE4 of the City of Southampton Local Plan Review (as amended 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Details of 16/00083/FUL
3	Results of shadow analysis		

## **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- ii. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
- iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- iv. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
- v. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Planning and Development Manager will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
- vi. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

2. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

### **1. The site and its context**

1.1 The site lies within the ward of Bitterne Park, fronting the south side of Cobden Avenue with the eastern part of the site adjacent to Midanbury Lane. The character of the local neighbourhood is a suburban leafy residential area with a mixed style of housing. The properties fronting Cobden Avenue are large residential properties in spacious plots, some with development in the rear

garden. Historically in the local area, larger properties in large grounds have been divided up into smaller housing plots and also to create other streets, such as Tamarisk Gardens.

- 1.2 There is a large wooded area to the north on the opposite side of Cobden Avenue known as 'Deep Dene Recreation Ground'. There are significant changes to land levels within this area, where the land steeply rises to the north and east along Cobden Avenue and Midanbury Lane and also falling away to the south.
- 1.3 The site itself consists of a large two storey dwelling with a very large garden, sitting in a plot with an area of 0.4 ha. The large garden extends to the east behind the gardens of 72 to 76 Cobden Avenue and to the rear gardens of the properties in Tamarisk Gardens and Midanbury Lane to the south and east. The southern section of the site steeply slopes to the south and is densely covered by undergrowth and mature trees where this remote part of the garden has been left undisturbed to return back to nature. This area of the garden is known to have a high level of biodiversity, providing habitats for wildlife such as badgers.

## **2. Background and Proposal**

- 2.1 This application follows the refusal of application 16/00083/FUL which was refused by the planning panel at the meeting on 1<sup>st</sup> March 2016. The main concerns being the conflict between the proximity of the existing trees and the future living environment of the dwellings in plot 3 and 7. The decision notice and site layout plan is set out in **Appendix 2**.
- 2.2 There have been a number of changes to the refused scheme based on a similar layout and form of development. The revised scheme mainly rearranges the individual layout of plots 3 to 7, whilst retaining broadly the same layout and access as proposed under the previous application. These changes are mainly re-orientating the garden of the plot 7 so it faces south, whilst the rear building of the dwelling in plot 3 has been pulled back 1m from the western boundary and the garage is level with the rear wall. The same number of dwellings are proposed for the new scheme (2 x 4-bed, 3 x 3-bed, 2 x 2-bed flats) albeit with a different mix of housing, replacing a 4-bed with a 3-bed dwelling. There are 14 parking space proposed with 3 visitor parking spaces. It is proposed to retain a large number of the existing mature shrubs and trees on the southern section of the site adjacent to common boundaries of the properties in Tamarisk Gardens and Midanbury Lane. Engineering works are proposed to make the sloping nature of the site suitable for redevelopment, including the installation retaining walls along the southern edge of plots 5/6 and 7, and the installation of underground cellular storage for surface water drainage.
- 2.3 The applicant has commissioned a 'shadow analysis' in accordance with nationally recognised guidelines to illustrate the impact of level of shading in relation to the usability of the new garden spaces and the neighbouring dwellings. A comprehensive Arboricultural assessment has been undertaken by the applicant. This states that a total of 41 individual trees, groups and hedges were recorded on site, where only a 12 low category trees, hedges and groups are scheduled to be removed to facilitate this development proposal. In addition, two of the trees/groups will have activities arising from the development occurring in their RPAs (root protection area). Ground protection measures will be installed to the edge of the RPAs of the trees adjacent to plot 4 and 7 where there will be a minor incursion on the RPAs.
- 2.4 Since the submission of this application, the applicant has agreed to improve the

layout of the dwellings in plots 4 and 5&6 so these properties would have direct ownership of their parking spaces within the curtilage of each plot. These are only minor changes to the overall layout and arrangement of the development. The supporting daylight and shading analysis has been updated accordingly and resubmitted for further consideration. The local residents have been consulted about the changes to give them the opportunity to comment before the panel meeting.

### **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 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.
- 3.3 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.
- 3.4 Policy CS4 acknowledges that new homes will generally need to be built at higher densities. New dwellings coming forward on suitable windfall sites will contribute towards delivering the Council’s strategic target for housing supply. The opportunity to modernise an existing building whilst providing a mix of housing accommodation should be given due consideration when balancing all the other material considerations.
- 3.5 Policy CS5 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.
- 3.6 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).

### **4. Relevant Planning History**

- 4.1 This application follows the refusal of application 16/00083/FUL which sought to redevelop the site to provide 7 x three-bed dwellings (see the site plan attached to **Appendix 2**).

### **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 (31.05.2016). At the time of writing the report 4 representations have been received from surrounding residents, and a referral by a local Ward councillor. The local residents were re-consulted for 14 days (13.07.16) about the minor changes to the layout of the development. The panel will be verbally updated about any further comments materially different to those already reported. The following is a summary of the points raised at the time of writing this report:

**5.1.1 The original planning application was refused on the grounds of overshadowing to plot 3 and what was originally plots 6 and 7 (now plot 7) by the large ancient oak trees that the whole area enjoys. In addition, plots 5&6 will suffer from shading most of the day, given their proximity to trees. The applicants were also verbally advised to return with fewer dwellings. The measures to protect the Oak tree (T38) during construction will be inadequate. We do not believe that the developer has made sufficient changes to the original plans to allow the council to overturn the original refusal decision.**

**5.1.1.1 Response**

The Tree Officer had raised concerns with the layout of the refused scheme that “some of the properties will be in shade from the neighbouring trees, especially plots 6&7 (*this is now shown as plot 7 on the current scheme*) and that this may lead to future pressure to have the trees heavily pruned or felled. I would therefore ask if this has been given due consideration and the design layout been orientated to provide the maximum natural light penetration achievable”. The Tree Officer is now supportive of the currently proposed layout, and the supporting information provided acknowledging that “due to the very nature of the site and its orientation, there will always be a shade of varying degrees in the gardens, which, as demonstrated, is within acceptable parameters”.

**5.1.1.2** The applicant has now provided substantive evidence to demonstrate through a shadow analysis to demonstrate that the shading effect of the existing trees on the garden areas of the new dwellings meets nationally recognised guidelines set by the BRE (British Research Establishment). The study represents the 'worst case scenario' in terms of potential shadowing and does not account for the various transparencies of tree crowns according to tree species - they are measured at 100% density. The shadow plots for June Solstice illustrate that more than 50% of each garden of the plots will experience more than 2 hours direct sunlight on this date when the deciduous trees are likely to be in full leaf. The study notes that the shadow plots for the proposed gardens in March are overstated given that the deciduous trees will not be in full leaf and therefore not realistic in the circumstances. The applicant's Arboricultural consultant has reviewed the layout of the scheme shown on the amended plans, confirming that there is no conflict with the RPAs of the trees to be retained

**5.1.1.3** The Tree Officer has raised no concern with regards to the methodology of tree protection during construction. The two retained trees to the front of the site will require specialised construction of the visitor parking spaces to avoid root damage and compaction around the trees. These details can be secured by planning condition before works start.

**5.1.2 Loss of views enjoyed by residents looking onto the site due to the removal of trees. The removal of trees at the front of the property will reduce the attractiveness of the leafy area. The removal of the trees and shrubbery will adversely affect wildlife including Badgers. The substantial laurel hedging behind Nos 72 to 76 Cobden Avenue would be removed.**

#### 5.1.2.1 Response

Four small trees will be removed from the front entrance in order to facilitate safe pedestrian sightlines and the installation of the main vehicle access point from Cobden Avenue. The canopy of the only mature trees to be removed (G3-Lime Tree) has already been significantly cut back and, therefore, have little amenity value. All these trees have been classified as category C (low quality) by the tree survey. Although Design Officer has raised concerns about the preserving the green frontage, the Tree Officer has not objected to the removal of these trees along the frontage. There is scope, to be secured by planning condition, replacement shrub planting outside the pedestrian sightlines adjacent to the access and along the frontage. Replacement tree planting for those removed will also be secured by condition on a 2 for 1 basis.

5.1.2.2 The level of shrubbery and trees being retained on the site is supported by the Ecologist in terms of protecting the level of biodiversity and the habitats of the Badgers present.

5.1 The neighbours have expressed concerns about the removal of vegetation on third party land which is unprotected and not within their ownership. The view they would lose is not protected, and the right to a view is not a planning material consideration. A suitable level of replacement planting can be secured by under the landscaping condition to provide a vegetative buffer between the development and the gardens of 72 to 76 Cobden Avenue

5.1.3 **The removal of so many trees and shrubbery will affect the water table and increase the flooding and slope instability that already exists behind the site within the flats and homes off Midanbury lane.**

#### 5.1.3.1 Response

The developer will carefully attenuate the risk of surface water flooding on the sloping site by engineering an underground drainage system. This would limit the peak run-off rate to 5 litres/second in accordance with the recommendations of the SCC Flood Risk team.

5.1.4 **The new proposal remains overdeveloped causing lack of privacy, additional noise and traffic movement in and out of the development, which will in turn affect the overall safety of the footpath and roads.**

#### 5.1.4.1 Response

The form and layout of the development is broadly the same as the refused application, where it was considered that the impact on the neighbour's amenity was acceptable. As such, the impact of the revised development would not be significantly different, and there is sufficient spacing of the development from the neighbouring properties to safeguard their outlook, light and privacy. The Highway Officer is satisfied that the design of the access onto Cobden Avenue would be adequate for the level of traffic generated by the development. It is, therefore, considered that the number of dwellings proposed is appropriate for this site.

### **Consultation Responses**

5.2 **SCC Highways** - No objection subject to conditions.

5.3 **SCC Housing** – No objection.

- 5.4 **SCC Sustainability Team** – No objection subject to conditions for energy and water efficiency to ensure compliance with policy CS20.
- 5.5 **SCC Design** – No objection. Has recommended that more of a green frontage should be preserved in addition to the 2 trees a green approach to Bitterne Triangle (see case officer comments in paragraph 5.1.2 as a response).
- 5.6 **SCC Environmental Health (Pollution & Safety)** - No objection subject to conditions.
- 5.7 **SCC Archaeology** – No objection subject to conditions.
- 5.8 **SCC Environmental Health (Contaminated Land)** – No objection subject to conditions.
- 5.9 **SCC Ecology** – No objection subject to conditions.
- 5.10 **SCC Flood Risk team** - No objection subject to conditions.

## **6. Planning Consideration Key Issues**

6.1 The application needs to be assessed in terms of whether it has addressed the previous reasons for refusal and against the following key issues:

- 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 resist 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 and as such any inappropriate development proposals in rear gardens would be refused.

6.2.2 This proposal would contribute towards the delivery of housing and the provision of additional housing would meet an identified need and is, therefore, welcome. The development would achieve a residential density of 18 dwellings per hectare (dph), which is less than the range of 50 to 100 (dph) that the Policy CS5 suggests as being appropriate for medium accessibility locations such as this. Since there are no minimum density requirements, it is considered that the development strikes an appropriate balance between making good use of the site to provide further housing, whilst maintaining the lower-density character of the area and the amenities of the neighbouring occupiers. The principle of development is, therefore, acceptable.

### **6.3 Impact on Character and Amenity**

6.3.1 The layout of the proposed development and the vehicular access has remained unaltered, given that the scheme was broadly supported at the previous panel meeting. The main concerns of the panel was the conflict between the proximity of particular trees and the living environment of the dwellings in plots 6/7 and 3 (as per the layout of the refused application – see **Appendix 2**). On the basis that the scheme is broadly acceptable to the panel, officers were approached by the developers to discuss how to overcome these concerns. It was agreed from these discussions, that the concerns could be overcome without having to reduce the overall number of dwellings proposed by rearranging the

development within the same plots to ensure the gardens were adequately lit by sun.

- 6.3.2 In particular, the garden area serving the dwelling in plot 7 has been moved to the south of the building so it is no longer directly underneath the canopy of the large Oak tree to the east. The gap between the western boundary of the site with the rear wall of the dwelling in plot 3 has increased from 15.3 to 16.3m. The amount of the open garden space has been increased in plot 3 by pushing the rear wall of the garage in line with the rear of the dwelling. The layout of plot 4 has been amended during the application stage to relocate the parking spaces to be more accessible to plots 5&6, by doing so the garden space will still have a south facing element without being shaded by the adjacent trees. The impact of relocating the dwelling would not worsen the impact on the amenity of 68 Cobden Avenue, given that the property would not directly overlook the most private and useable area of the neighbours garden, with a separation distance of 12m to the common boundary. There are oblique angles towards to the rear of the neighbouring property at separation distance of 44m, so there would be no direct overlooking of the neighbours habitable rooms. The relocation of the dwelling in plot 7 will maintain at separation distance between the gable side and rear wall of 16m to no.74 and 14.5m to no. 76. This will meet the standards set out in the Residential Design Guide.
- 6.3.3 The Tree Officer has removed their objection to the revised layout of the scheme. The Tree Officer acknowledges that there will always be a shade of varying degrees in the gardens by the very nature of the site and its orientation, however, the new layout would no longer conflict with the existing trees. The impact from the shading of the trees on the gardens will not necessarily be harmful in itself, as it is recognised by nationally accepted guidance that gardens do not need to have access to sunlight the whole day to be adequately sunlit. Additionally, the guidance recognises that people generally prefer a mix of sunlight and shade within their gardens. The BRE's good practice guidance 'Site Layout Planning for Daylight and Sunlight' (October 2011) sets out that the test for shading impact on garden space relates to the area of space that receives more than 2 hours of sunlight on 21 March (the Spring Equinox). This states that, for the garden space to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. The results of the shadow analysis (see **Appendix 3**) show that the lit area of the garden serving plots 5&6 would be marginally under the 50% (48.38%), and the garden of plot 7 would receive nil light during the March Solstice. However, this takes into the unrealistic circumstances of sunlight conditions in March alongside the deciduous trees being in full leaf. Carrying out the same test for the June Solstice, when the sun is higher in the sky, illustrates that the gardens from these plots will experience more than 2 hours of direct sunlight on this date when the deciduous trees are likely to be in full leaf and will be causing an obstruction to sunlight, alongside the coniferous trees. This being the case, the developer has substantiated, through evidence that the new gardens would not unduly shaded.
- 6.3.4 Overall it is considered that an attractive and high-quality environment would be created for prospective occupiers of the development.
- 6.3.5 National planning guidance requires Local Planning Authorities to act reasonably in decision making, especially when assessing revised schemes on a similar basis. The guidance clearly advises that new reasons for refusal cannot be



introduced unless it is clear that harm is being caused by material changes to the scheme. Further to the assessment made under application 16/00083/FUL, the impact on the character and amenity is still found to be acceptable given that the form of the development in the relation to the neighbouring properties has not materially changed. The architectural design and living environment of the new housing is also still considered be high-quality. The reasons for refusal only referred to the conflict with the trees on site, so the introduction of further reasons for refusal could not be justified in this instance. The local residents are again concerned about the level of development proposed being an overdevelopment of the existing garden. However, the right planning balance has been struck here between protecting the amenity of the neighbouring occupiers and achieving a viable housing scheme and decent place for people to live.

#### 6.4 Highway Safety

6.4.1 As mentioned above, the layout out of the access does not significantly differ to the previous scheme, so there would be no acceptable justification to introduce a reason for refusal on a highway safety basis. With the revision to the scheme, the Highway Officer is still satisfied that the arrangement of the access and parking serving the site would not be harmful to highway safety. The developer has agreed to reposition the parking spaces serving plots 5&6 so they are now within their own curtilage to allow direct access by the occupiers. Financial contributions are being sought from the developer to improve the vehicular sightlines from exiting from Midanbury Lane.

#### 6.5 Other Matters

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 £176 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).

6.5.2 The contributions can be secured through the S106 agreement subject to the panel granting a resolution to support the scheme and delegating powers to officer's to complete the S106.

6.5.3 The Ecologist is satisfied that the mitigation measures proposed would adequately protect the wildlife affected on the site. This includes the measures proposed to protect the habitat of the existing badgers living on the site during and after construction. The majority of the existing tree and shrubs on the southern half of the site will be retained, which will be managed in the future by a

private management company. The developer has carefully attenuated the risk of surface water flooding on this sloping site, by engineering an underground drainage system that would limit the peak run-off rate within the national guidelines (5 litres/second) in accordance with the requirements of the SCC Flood Risk team.

## **7. Summary**

7.1 The form and layout of the scheme refused under application 16/00083/FUL was considered to be mainly acceptable by officers and members with exception to the impact on the existing trees on site, so the developers have worked closely with Officers to improve the design to overcome these concerns. The scheme resubmitted is considered to strike a fair planning balance between adequately managing the environmental and social impacts of the development, and in turn providing a good quality and attractive place to live whilst boosting the city's housing supply.

## **8. Conclusion**

8.1 In conclusion, the proposal would have an acceptable impact in accordance with the Council's policies and guidance.

**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), 4(f), (g), (vv), 6(a), (b), 7(a)

**SB for 02/08/16 PROW Panel**

**PLANNING CONDITIONS**

**01. Full Permission Timing Condition**

The development hereby permitted shall begin no 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. Details of building materials to be used**

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, 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. Development shall be implemented only in accordance with the agreed details.

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

**03. Cycle storage facilities**

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

**04. Unsuspected Contamination**

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by 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.

#### **05. Use of uncontaminated soils and fill**

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

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

#### **06. Protection of nesting birds**

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

#### **07. Landscaping, lighting & means of enclosure detailed plan**

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. hard surfacing materials;
- ii. a scheme for external lighting;
- iii. 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;
- iv. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (unless circumstances reasonably dictate otherwise);
- v. The area of front boundary hedge to be removed to facilitate the widened site access shall be replaced within the next planting season by a species to be first agreed in writing by the Local Planning Authority. The remainder of the existing front boundary hedge shall be retained or replaced where necessary.
- vi. details of any proposed boundary treatment, including retaining walls, the proposed levels of the amenity spaces, planting along the boundaries with 72 to 76 Cobden Avenue, and a suitable enclosure to close off the access way to the west of plot 1 leading onto Cobden Avenue;
- vii. the area of existing planting in the southern and eastern section of the site to be retained for purposes of habitat protection and the method of management of this space;
- viii. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking and boundary treatment) for the whole site 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.

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. Other reasons include to protect highway safety, enhance biodiversity and protect the habitats of protected wildlife species.

### **08. Refuse & Recycling**

Prior to the commencement of development, details of storage for refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved.

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.

### **09. Construction Management Plan**

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 Method 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.

### **10. Wheel Cleaning Facilities**

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. Hours of work for Demolition / Clearance / Construction**

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

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.

### **12. Energy & Water**

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).

### **13. Energy & Water**

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).

### **14. Amenity Space Access**

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available for use of the existing and proposed dwellings in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space for the existing and future occupiers.

### **15. Parking and Access**

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved. No vehicle or pedestrian access shall be formed onto Midanbury Lane at any time. Any existing vehicular access onto the public highway from the site shall be stopped up prior to the first occupation of the development hereby approved.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

### **16. Archaeological evaluation/watching brief investigation**

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

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

### **17. Archaeological evaluation/watching brief work programme**

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

Reason: To ensure that the archaeological investigation is completed

### **18. 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,

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class F (hard surface area)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development and residential and visual amenities of the area.

### **19. Sustainable Drainage Systems**

Prior to the commencement of development a management and maintenance plan for the ongoing management and maintenance of the system over the lifetime of the development of the proposed sustainable drainage system shall be submitted to the Local Planning Authority. A sustainable drainage system in accordance with approved specification and management and maintenance plan must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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.

## **20. Ecological Mitigation Statement**

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 70 Cobden Avenue; Extended Phase 1 & Phase 2 Chiropteran, Barn Owl and Nesting Bird Building, Chiropteran Monitoring and Badger Surveys. January 2016. Ref HEA264a2016; 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.

## **21. Communal Open Space Area**

The natural managed open space area to the south of the site, shall be retained as a communal area and not, at any time, be incorporated into the private residential gardens of the dwellings hereby approved.

Reason: In the interests of local ecology and biodiversity.

## **22. 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.



**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car and Cycle parking
CS20	Sustainability
CS22	Biodiversity
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety and Security
SDP12	Landscaping
NE4	Protected Species
H1	Housing supply
H2	Previously developed land
H7	Residential environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

16/00083/FUL/1628



**DETERMINATION OF APPLICATION  
TOWN AND COUNTRY PLANNING ACT 1990**

**Town and Country Planning (Development Management Procedure) (England) Order 2015**

Neame Sutton Ltd  
West Suite  
Coles Yard Barn  
North Lane  
Clanfield  
PO8 0RN

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

**FULL APPLICATION - REFUSAL**

**Proposal:** **Redevelopment of the site. Demolition of the existing building and erection of 7 x dwellings (3 x four-bedroom 2 x three-bedroom houses, 2 x two-bed flats) with associated access, parking and landscaping. (Revised resubmission)**

**Site Address:** **70 Cobden Avenue, Southampton SO18 1FT**

**Application No:** **16/00083/FUL**

For the following reason:

**01.REFUSAL REASON - Impact of Protected Trees on Living Conditions**

The amenity space shown to serve the proposed development is not considered to be fit for its intended purpose as useable external space to serve the prospective residents. In particular, the proximity of the canopy of protected trees to the private garden spaces serving plots 6-7 and 3 would result in excessive shading to the detriment of the usability of the garden space. The proposal would, therefore, introduce additional and unreasonable pressure for the cutting back and/or removal of overhanging branches of these trees to the detriment of the character and amenities of the area. As such, the proposal would be contrary to saved policies SDP1(i), SDP7, SDP12, H7 of the Local Plan Review (March 2015 amended) and policy CS13 of the Core Strategy (March 2015 amended) as supported by paragraph 2.3.14, section 4.4 and paragraphs 4.8.7 to 4.8.8 of the Residential Design Guide Supplementary Planning Document (September 2006).

**Samuel Fox**  
**Planning & Development Manager**

3 March 2016

For any further enquiries please contact: **Stuart Brooks**



No Dimensions to be scaled off the drawing.  
 All sizes to be verified on site.  
 All dimensions in relations unless otherwise stated.  
 All information on this drawing is copyright ©.

**Open Market Housing**

Plot No.	Dwelling Type	Sq Ft	Sq Ft
1	4 Bedroom Detached	130	1399
2	4 Bedroom Detached	130	1399
3	4 Bedroom Detached	126	1356
4	3 Bedroom Detached	100	1076
5	3 Bedroom Detached	100	1076
6	2 Bedroom Apartment	70	753
7	2 Bedroom Apartment	67	721
<b>Gross Total</b>		<b>723</b>	<b>7781</b>

\* Apartments exclude lobby areas  
 \*\* All sizes based on Gross Internal Areas



- Revisions:
- Rev E: 28/02/2016 Layout updated to reflect planning officers comments
  - Rev D: 25/02/2016 Layout updated to reflect planning officers comments
  - Rev C: 03/01/2016 Layout updated to reflect planning officers comments
  - Rev B: 07/12/2015 Layout updated to reflect planning officers comments
  - Rev A: 01/12/2015 Initial Issue

**SOUTHCOTT HOMES**  
 THE MARKET  
 100, MARKET STREET, SOUTHAMPTON, SO9 1AA  
 Tel: 01493 788511 Fax: 01493 788512

Project:  
**No. 70 COBDEN AVENUE,  
 SOUTHAMPTON**

Drawing Title:  
**SITE PLANNING  
 LAYOUT  
 (Sheet 1 of 1)**

Scale:  
**1:250 @ A1**

Date:  
**Nov 2015**

Drawn No.:  
**COB / 01 / 1**

Mr.:  
**E**



70 Cobden Avenue, Bitterne Park: Urban Design Assessment - Amenity

3.0

## Results

### Proposed Gardens

#### Two-hour sunlight contour analysis

3.1

The results of the two hour sunlight contour analysis for the proposed gardens are contained in the table below. The locations of the plots are illustrated at Appendix 2.

Amenity Ref.		Garden Area	1. Assessment omitting trees		2. Assessment including coniferous trees		3. Assessment including all trees	
			Lit Area Proposed	Above/Below BRE Guide	Lit Area	Above/Below BRE Guide	Lit Area	Above/Below BRE Guide
Plot 1	Area m2	121.36	121.07	Above	121.06	Above	120.84	Above
	Percentage		99.76%		99.75%		99.57%	
Plot 2	Area m2	103.07	102.74	Above	102.73	Above	102.7	Above
	Percentage		99.67%		99.67%		99.64%	
Plot 3	Area m2	240.74	232.31	Above	230.25	Above	150.99	Above
	Percentage		96.50%		95.64%		62.72%	
Plot 4	Area m2	355.8	347.59	Above	343.61	Above	253.46	Above
	Percentage		97.69%		96.57%		71.24%	
Plot 5&6	Area m2	108.03	106.78	Above	93.17	Above	52.27	Below
	Percentage		98.84%		86.24%		48.38%	
Plot 7	Area m2	152.01	141.75	Above	141.75	Above	0	Below
	Percentage		93.25%		93.25%		0.00%	

Table 3.1: Two-hour sunlight contour results – Proposed Gardens

3.2

The results of the two hour sunlight contour analysis demonstrate that all of the gardens will comply with the BRE guide levels under scenario 1, when the effects of the trees are omitted, in accordance with the BRE guide.

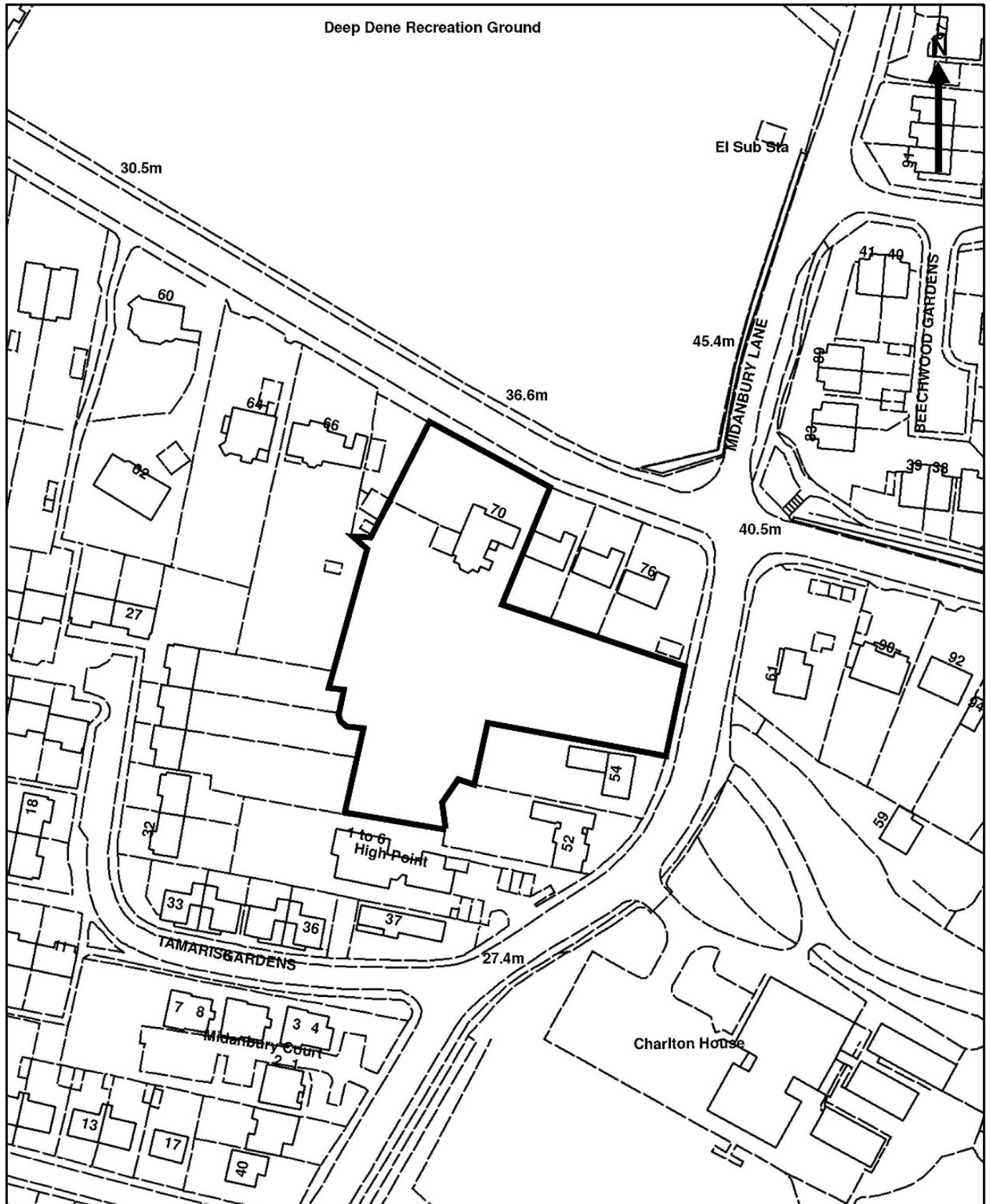
3.3

Similarly, the results for scenario 2 demonstrate that the gardens will retain high levels of sunlight when the coniferous trees are included in the analysis.

3.4

Finally, four of the six garden areas assessed will still comply with the guide levels when all of the trees are included in the assessment. One garden (plots 5/6) will experience a lit area only marginally below the guide level, while the remaining garden (plot 7) will experience higher levels of shadow under Scenario 3. This scenario depicts an unrealistic set of parameters as it includes sunlight conditions in March alongside the deciduous trees in full leaf. For these reasons, transient shadow plots have been prepared for the both the March and June dates.

# 16/00888/FUL



Scale: 1:1,250

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