

**Planning and Rights of Way Panel 31<sup>st</sup> January 2017**  
**Planning Application Report of the Service Lead - Infrastructure, Planning and Development**

<b>Application address:</b> Rear of 19 Crabwood Road, Southampton			
<b>Proposed development:</b> Erection of a 2 storey building containing 4 x 1 bed maisonettes with access from Wimpson Gardens and associated parking and cycle/refuse storage.			
<b>Application number</b>	16/01805/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	15.12.2016	<b>Ward</b>	Redbridge
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors</b>	Cllr McEwing Cllr Pope Cllr Whitbread
<b>Referred to Panel by:</b>	Cllr Pope	<b>Reason:</b>	Overdevelopment, lack of parking, damage to trees and loss of habitat.

<b>Applicant:</b> Mr J St Quintin	<b>Agent:</b> EMPERY + CO LTD
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<b>Recommendation Summary</b>	<b>Delegate to the Service Lead - Infrastructure, Planning and Development 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 such as the impact on the character of the area, amount of parking and the loss of vegetation and habitat have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, H1, H2, H6 and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS6, CS13, CS16,

<b>Appendix attached</b>			
1	Development Plan Policies	2	Site and Adjacent site history

## **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 subject to the submission of the following;
  - i. Financial contributions towards Solent Disturbance Mitigation Project in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
2. In the event that the SDMP contributions are not received delegate to the Service Lead - Infrastructure, Planning and Development to refuse the application for failing to mitigate its direct impacts upon the Special Protection Area of the Solent Waters.

### **1.0 The site and its context**

- 1.1 The application site occupies an area of 0.045 hectares and is currently part of the long rear garden area of 19 Crabwood Road. The lower part of the garden which forms the site is characterised by dense vegetation. The site also adjoins Wimpson Close, a residential cul-de-sac. At the current time, the garden fence means that access to Wimpson Close is not possible. A new access to the site is sought via Wimpson Gardens to the rear.
- 1.2 The site is located within a predominantly residential area characterised by a mix of dwelling houses. Immediately adjacent to the site is a two storey block of four dwelling houses, similar to what is being proposed in terms of layout and building line.

### **2.0 Proposal**

- 2.1 Permission is sought for the construction of a block of 4 no. 1 bed maisonettes. The proposed block would be two storeys with a maximum height of 8.6m and an eaves height of 5.6m slightly (lower in height by 0.5 metre than the adjacent block). The roof of the proposed block would be hipped on all sides.
- 2.2 An amenity area of approximately 65 sq m would be provided to the rear and 5 car parking spaces (1 per unit and 1 visitor space) would be established to the front. Each unit would comprise a kitchen / living area at ground floor level and an ensuite bedroom at first floor level. The front two units would have their main access from the front whilst the rear two units would have their main access from the rear, via a side passageway.

### **3.0 Relevant Planning Policy**

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

- 3.2 All developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 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.

#### **4.0 Relevant Planning History**

- 4.1 The most recent planning history for the site was the submission of an application in 2008 (ref.08/00610/FUL) which was refused, for the redevelopment of 19, 21 and 23 Crabwood Road. This sought permission for the erection of a new building (three storeys including additional accommodation in the roof space) to provide 12 x two bedroom flats with associated parking and vehicular access from Hawswater Close. The main reason for refusal related to inappropriate massing and bulk as well as the failure to enter into a S106 legal agreement. The full reasons for refusal are found at **Appendix 2** of this report.
- 4.2 In 2007, an application (ref.07/01304/FUL) was refused for a different scheme on the same (larger) application site. This sought permission for the redevelopment of the site through the demolition of 19 Crabwood Road and the erection of a part two-storey, part three-storey building to provide 14 x two-bedroom flats with associated parking and access arrangements to the rear of 19-23 Crabwood Road. This was refused on a number of grounds for massing, scale and bulk, insufficient width access, insufficient information relating to land stability and surface water drainage and failure to complete a S106 legal agreement. The full reasons for refusal are found **Appendix 2** of this report.
- 4.3 With respect to the adjacent site to the rear of 15 and 17 Crabwood Road, in 1998, conditional approval (ref.980349/W) was granted for the development of 11 - 15 Wimpson Gardens by the construction of 4 x 1 bed dwelling houses. This permission has informed the current application and has been completed.
- 4.4 Currently officers are considering a pending application (ref. 16/01987/FUL) for the adjacent site at land to rear of 21-23 Crabwood Road for the redevelopment of the site. This neighbouring application seeks the erection of a 3-storey building containing 8 flats (6x 2-bed and 2x 1-bed) with associated parking and cycle/refuse storage.

#### **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (08.11.2016). At the time of writing the report **8 representations** have been received from surrounding residents including a Panel referral from Ward Councillor Pope and an objection from Ward Cllr McEwing. The following is a summary of the points raised:
- 5.2 **Concern regarding the width of road at Wimpson Gardens and parking**

**problems that would arise from the increase in dwellings. In particular, with respect to lack of parking and overspill onto Wimpson Gardens.**

Response

The Council's Highways Development Management team have considered the concerns raised by residents and do not consider the proposed development to be detrimental to highway safety. Wimpson Gardens provides sufficient width for vehicle access, and is currently used as such, and no objection has been received on these grounds. Parking has been proposed at 1:1 for the one bed units, with one additional visitor space, and has achieved the maximum parking standards in this location. A parking survey (although not fully in line with the methodology sought) has also been provided to demonstrate that (on the survey dates of 21<sup>st</sup> June at 20.30pm, 22<sup>nd</sup> June at 21.00pm and 26<sup>th</sup> June at 14.30pm.) there was on street parking capacity of 10 spaces during the evening and five spaces available during the day. As the scheme complies with the Council's parking standards for this location, there is no justifiable reason for refusal on these grounds.

**5.3 Overdevelopment of the site and that it would be out of context with the character of the surrounding area**

Response.

The amount of the site occupied by hard standing areas and buildings exceeds the 50% limit as recommended in the Residential Design Guide (RDG) with the parking court and building accounting for approximately 80% of the site area. However, the scheme is similar in layout to the adjacent properties at both 7-10 at 11-15 Wimpson Gardens. This proposed scheme continues the building line and the building would be of comparable height to neighbouring houses. As such, it cannot be considered as out of character with the specific circumstances of this site and its context.

**5.4 Damage to trees on site and loss of vegetation and habitat**

Response

The proposal will not result in the loss of any important or protected trees within and adjacent to the site, and no objection has been raised by the Council's Tree Team. The tree report submitted notes that the development, if approved, has to be carried out having regard to protecting the root protection areas (RPA) of the affected trees. With respect of the loss of vegetation/habitat the Council's Ecologist has not raised an objection to the scheme subject to the provision of replacement landscaping planting and a range of wildlife boxes. These measures will be secured via a condition.

**5.5 Over-intensive use of the site**

Response

The level of development equates to 89 dwellings per hectare (dph) and is higher than the density recommended for this part of the City (35-50 dph) for the site having regard to criteria 1 of policy CS5 of the LDF Core Strategy. However, the density of the development has to be assessed against the existing character of the area and other material planning considerations. In this case the approval of an adjacent similar scheme is key in the determination of this application and officer's are comfortable that the density is acceptable given the design of the building and the context of the site. It should also be noted that whilst the scheme has been designed to look like a semi-detached pair each of the 4 units only have 1 bedroom (4 bedrooms in total). A semi-detached scheme with 2 no.2 bed dwellings would have the same number of bedrooms but half the density thereby demonstrating how crude density is as a guide to whether or not a scheme should be supported.

**5.6 Concerned about noise and anti-social behaviour**

Response

All residential properties have the potential to result in noise and anti-social behaviour. However, the Council's Environmental Health team has not objected on these grounds and the delivery of housing should not be held up due to concerns that some prospective residents may be unneighbourly. A decision should be made on the expectation of reasonable behaviour by the residents of the scheme. Noise and anti-social behaviour can be dealt with following occupation under separate legislation either by the Council's Environmental Health team or by the Police. Planning conditions can be used to minimise disturbance during the construction phase.

**5.7 The scheme will set a precedent for the area especially, in terms of the proposal to redevelopment to the rear of 21-23 Crabwood Road**

Response

Every application is assessed on its own merits, but regard has been had to the potential redevelopment of the adjacent site and the relationship of developments to one another. There is a possibility that the next garden comes forward for development and the Council will assess the merits of that scheme as they arise. As is the case with this scheme neighbouring development informs the context and character as a starting point for negotiations.

**5.8 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.

**5.9 Poor design**

Officer Response

The design of the building is similar in terms of design to the neighbouring properties albeit the roof is fully pitched. The materials chosen in terms of brickwork and cladding, and its overall design, is in keeping with the street scene especially as there is no uniform character to the area.

**Consultation Responses**

**5.10 SCC Highways – No objection raised**

The proposed development is acceptable in principle. The site is located just off the public highway but some changes are required to the bin store. It is recommended that a total of 4 x 360ltr wheelie bins are provided rather than standard wheelie bins, refuse collectors will move these bins up to 30m. Glass boxes will also need to be stored within the store. A car parking survey has been supplied which does not accord with our requirements, however, the results provided do give comfort that there is room for overspill parking within the near vicinity of the site.

Conditions to secure parking, refuse and cycle storage are required. An access road shall be constructed to standard and the car parking area shall be laid out prior to occupation of the site. The refuse and cycle storage shall be constructed of masonry, under a weatherproof roof, and be secure and lockable and the cycle store shall have sufficient space for 4 cycles.

5.11 **SCC Sustainability Team – No objection raised**

Conditions are recommended in order to ensure compliance with Policy CS20 which relate to energy and water restrictions.

5.12 **SCC Historic Environment – No objection raised**

The site lies within a Local Area of Archaeological Potential. Approximately 250m to the SW the Southampton Archaeology Unit carried out a watching Brief on groundworks associated with Newlands School (SOU 1564), and uncovered evidence of Iron Age and Middle Saxon occupation. The proposed development has the potential to damage archaeological deposits. If planning permission is granted conditions securing a watching brief for excavation should be attached.

5.13 **SCC Tree Team – No objection raised**

The tree team raises no objection to the proposed development provided the method statement and impact assessment (Ref.DS/9116/AC) submitted as part of the application is adhered to and secured via a condition safeguarding the works to be undertaken in line with its methodology and recommendations.

5.14 **SCC Ecologist – No objection raised**

The application site comprises a large mature garden which contains a range of habitats including trees, shrubs and amenity grassland. These habitats are likely to support a range wildlife including protected species. No ecology information has been provided with the submission. Considering the range of habitats present, and the fact that the proposed development will lead to the loss of the majority of the vegetation, the Council's Ecologist is of the view that adverse impacts on local biodiversity are likely. They therefore would expect to see replacement landscape planting and a range of wildlife boxes included in the development in order to mitigate for the loss of habitat. In addition, vegetation removal has the potential to adversely impact nesting birds which receive protection under the Wildlife and Countryside Act 1981 (as amended). It is important, therefore, that any vegetation clearance should either, take place outside the nesting season, which runs from March to August inclusive, or after it has been checked by a suitably qualified ecologist. If active nests are found vegetation clearance would need to be delayed until after the chicks have fledged. If the permission is granted the following conditions should be applied to the consent, ecological Mitigation Statement and the protection of nesting birds

5.15 **SCC Environmental Health (Contaminated Land) – No objection subject to conditions.**

5.16 **Southern Water – No objection raised**

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

**6.0 Planning Consideration Key Issues**

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

- Principle of development;
- Design and amenity;
- Parking and Highway safety;
- Loss of trees, shrubs and habitat; and
- Development Mitigation

## 6.2 Principle of Development

- 6.2.1 The LDF Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable housing development, and the use of previously developed land. 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 NPPF) to promote sustainable and efficient use of land for housing development providing the character of an area is not compromised.
- 6.2.2 The proposal does result in the development of garden land but the resultant plot sizes are comparable to those which already exist within the area. The existing character of the properties along Wimpson Gardens are of sites that have been historically subdivided. The proposed density (of 89 dph) is higher than the guide of 35-50 dph for the site having regard to criteria 1 of policy CS5 of the LDF Core Strategy. However, when assessing this density against the history of Wimpson Gardens, and more importantly the proximity to transport links, the proposal is acceptable. Policy CS5 indicates that the development density should have regard to the character, and appearance of the existing neighbourhood, meaning that higher densities can also be supported. This proposal will sit comfortably within its immediate context by providing a detached building that contains four flats; each with garden and parking provision similar to existing buildings within the street scene. The neighbouring site has been developed with a similar form of development and is a material planning consideration for the determination of this planning application. Properties at 7-10 and 11-15 Wimpson Gardens are laid out in a similar manner with parking opposite and four units (although 7-10 Wimpson Gardens are two bed units) on each site. The principle of development and its relationship with the established pattern of development is considered to be acceptable.

## 6.3 Design and amenity

- 6.3.1 Wimpson Lane has a fairly diverse character. Original properties within this road comprise two storey, terraced dwellinghouses in a stepped arrangement. These tend to be of brick construction with tiled roofs and small front porch features. They also have small front gardens and low boundary walls. The roofslopes of these properties are typically hipped to the front and rear with gables present to the side. Immediately adjacent to the site, the character of Wimpson Gardens changes due to the presence a terrace block of houses and two more recent blocks providing a total of eight dwellings (4 in the block immediately adjacent to the site and 4 in the other block). Again, these comprise brick construction with small porch canopies. The roofslopes of these properties are typically hipped to the front and rear with gables to the side. The proposed dwellings would have a more contemporary appearance and this is acceptable in this diverse section of Wimpson Gardens.
- 6.3.2 The proposed block would, at two storeys in height, be of a scale which would be in keeping with existing neighbouring development, particularly the block of 4 x 1 bed dwellinghouses immediately adjacent to the site. It is noted that the side hipped roofslopes are at odds to the side gables which characterise Wimpson Gardens. However, in this case, it is considered that side gables would be bulkier and have

a more harmful impact in terms of residential amenity. The materials chosen for the development which consist of timber effect cladding and brickwork are in keeping with the existing buildings within the street scene.

- 6.3.3 The scheme provides an area of approximately 65 sq.m to the rear for the 4 flats; whilst this is slightly less than the recommended in the RDG guidance (of 20 sq.m per flat) the area provided is usable and not shaded. A condition is sought to include defensible space for the rear units to maintain a level of privacy for future occupiers. The neighbouring blocks (7-10 and 11-14 Wimpson Gardens) have a similar amenity space arrangements to that which is proposed. Finally, the Panel will note that the development is for single bedroom flats, unlikely to be suited to families, and it is only a 15 minute walk to Mansel Park. As such, previous appeal decisions have suggested that some relaxation of the 20sq.m per dwelling is warranted and officers agree in this instance.
- 6.3.4 The application site forms the rear garden of no.19 Crabwood Road and it is, therefore, necessary to assess the impact of the proposed scheme on the residential amenities of the occupiers of this property. This existing property has a number of windows within the rear elevation at both ground floor and first floor level which would face the proposed building. A separation distance of approximately 38m would be retained between the rear elevation of this property and the proposed building. This is considered to be in accordance with paragraph 2.2.4 of the Residential Design Guide which advises that a minimum back to back distance of 21m should be retained.
- 6.3.5 The existing property at no.19 Crabwood Road would appear to have 3 bedrooms according to the plans approved under application ref.00/00737/FUL. It also has access to a private rear amenity area of approximately 730 sq m. It can therefore, be classed as a family home according to the definition outlined by Core Strategy policy CS16 (Housing Mix and Type). As a result of this proposal, a garden area of approximately 250 sq m would be retained which is sufficient for a family sized unit to be retained.
- 6.3.6 The proposed block would be located approximately 1m from the common boundary between no.19 and no.21 Crabwood Road. There is the potential for the bulk of the proposed two storey block to have an impact on neighbouring garden at no.21 Crabwood Road. However, it must also be considered that the rear garden of this neighbouring property is of a generous size added to the distance between the proposed development and the existing property on site. As such, it is likely that sufficient usable garden space would be retained for this neighbouring property and the main area of garden (adjacent to the house itself) remains unaffected.
- 6.3.7 No.11 and no.15 Wimpson Gardens also adjoin the site. The side elevation of this block which faces the site contains a number of windows. These windows serve non-habitable kitchen rooms and, as such, there will not be detrimental harm to the neighbouring occupiers. Therefore, the proposal does not warrant a reason for refusal on residential amenity grounds in terms of amenity space, outlook, loss of light and/or privacy and accords with Local Plan Review Policy SDP1.

#### 6.4 Parking and Highway Safety

- 6.4.1 The application site is within an area that is easily served by public transport as the nearest bus stops are between 200 and 250 metres depending on the destination required. 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 parking spaces. The scheme proposes one space per unit, which is the maximum for a one bed unit within the Council's standards. There are no national or local policy requirements for the developer to design in visitor parking but one space has been provided.
- 6.4.2 The level of parking provision and access arrangements will not detrimentally prejudice highway safety. A parking survey has been provided which was carried out outside of school / public holidays. The first of the surveys was carried out on a Tuesday evening at 20.30. The second survey was carried out on a Wednesday evening at 21.00 and the third survey was undertaken on a Sunday afternoon at 14.30. The provision of 10 available parking spaces were found during both evening surveys within Wimpson Gardens, and 5 available spaces were found during the afternoon survey. The results of the survey indicate that there is sufficient capacity to accommodate any potential parking overspill in the local roads. However, the scheme has met the maximum parking requirement and no overspill is therefore anticipated. The 2011 Census suggested that for the Ward of Redbridge 32.2% of households do not have access to a private car meaning that it is feasible that not every household formed would have a car in any event. Therefore on this basis the proposal is considered to address the concerns relating to parking and highway safety.
- 6.5 Loss of trees, shrubs and habitat
- 6.5.1 The proposal does not result in the loss of any trees or shrubs that are considered significant in terms of size and amenity. None of the trees or shrubs within the site are protected and nor has an objection been raised by the Council's Tree Officer. The character of the area will be altered by the loss of the vegetation but it could be removed without permission in any event. Therefore, subject to the submission of replacement landscaping, and the provision of wildlife boxes (required by the Council's Ecologist) the proposal is considered to be acceptable.
- 6.6 Development Mitigation
- 6.6.1 As with all new development the application needs to address and mitigate the additional pressure on the environmental, social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). A s.106 legal agreement is normally triggered by schemes of 5 or more dwellings. The area of contribution for this development, in order to mitigate against its wider impact, is only towards the Solent Disturbance Mitigation Project. The application is delegated for approval subject to the payment of this contribution or an alternative mechanism for securing appropriate informal greenspace mitigation..
- 6.6.2 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 in this case and £704 is required for this level of development. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. Following receipt of this payment this application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

## **7.0 Summary**

7.1 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 the character and appearance of the area. 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 Wimpson Gardens having regard to the Council's maximum car parking standards. Furthermore significant weight is given to the merits of housing delivery on this site.

## **8.0 Conclusion**

8.1 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), 4(f), (g), (vv), 6(a), (b), 7(a)

#### **ARL for 31/01/2017 PROW Panel**

#### **PLANNING CONDITIONS to include:**

##### **01. Full Permission Timing Condition (Performance)**

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 (Pre-Commencement Condition)**

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. Landscaping & means of enclosure detailed plan (Pre-Commencement Condition)**

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. 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 - to be agreed;
- iii. details of any proposed boundary treatment (including a brick wall to Crabwood Road and around the parking area rather than timber fencing to replace the existing hedge) and;
- iv. 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, with the exception of the boundary treatment which shall be retained for the lifetime of the development.

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

### **04. Arboricultural Method Statement (Performance)**

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Impact Assessment and Method Statement DS/91116/AC including the tree

protection measures throughout the duration of the demolition and development works on site.

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

**05. Refuse & Recycling (Pre- Occupation condition)**

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved.

Reason:

In the interest of visual and residential amenity.

**06. Cycle parking (Pre- Occupation condition)**

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

Reason:

To encourage cycling as an alternative form of transport.

**07. Parking (Pre-Commencement Condition)**

The development shall be served by 5 parking spaces that shall have been laid out in accordance with the approved plans prior to the first occupation of the development hereby approved. The parking shall be retained as approved for the parking of resident's vehicles and shall be allocated on a 1 space per flat basis.

Reason:

To ensure appropriate parking provision is made to serve the development in the interests of highway safety and the amenity of residents.

**08. Road Construction (Pre-Commencement)**

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:-

1. A specification of the type of construction proposed for the access roads, footpaths and proposed levels and the method of disposing of surface water.
2. A programme for the making up of the roads and footpaths to an adoptable standard.

Reason:

To ensure that the roads and footpaths are constructed in accordance with standards required by the Highway Authority.

**09. Defensible space (Pre-occupation Condition)**

Prior to the first occupation amended plans detailing an enclosed area/landscaping to provide defensible space adjacent to the rear elevation for the ground floor rear flats shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved plans and retained for that use unless otherwise agreed in writing.

Reason:

To protect the amenities of the residential properties.

#### **10. Amenity Space Access (Pre-Occupation)**

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available for use 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 in association with the approved dwellings.

#### **11. Archaeological watching brief with provision for excavation (Pre-Commencement Condition)**

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

Reason:

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

#### **12. Archaeological watching brief with provision for excavation work programme (Performance Condition)**

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

Reason:

To ensure that the archaeological investigation is completed.

#### **13. Ecological Mitigation Statement (Pre-Commencement)**

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which should include replacement landscaping planting and a range of wildlife boxes 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.

#### **14. Protection of nesting birds (Performance)**

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.

#### **15. Land Contamination investigation and remediation (Pre-Commencement Condition)**

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

1. A desk top study including;
  - historical and current sources of land contamination
  - results of a walk-over survey identifying any evidence of land contamination
  - identification of the potential contaminants associated with the above
  - an initial conceptual site model of the site indicating sources, pathways and receptors
  - a qualitative assessment of the likely risks
  - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

Reason:

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

#### **16. Use of uncontaminated soils and fill (Performance)**

Only 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.

#### **17. Unsuspected Contamination (Performance)**

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.

### **18. 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).

### **19. 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).

### **20. 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 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.

### **21. Construction Management Plan (Pre-Commencement Condition)**

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.

## **22. No storage under tree canopy (Performance)**

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason:

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

## **23. Approved Plans (Performance)**

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.