

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 16 February 2010  
 Planning Application Report of the Head of Division

Application address: 97 Botany Bay Road Southampton			
Proposed development Part two-storey/part three-storey side/rear additions (including accommodation in enlarged roof) and conversion to create five flats (1 three-bedroom maisonette, 2 two-bedroom and 2 one-bedroom flats) with associated remodelling of site levels to rear to create car/cycle parking with amenity space areas			
Application number	09/01391/FUL	Application type	Full Detailed
Case officer	Steve Lawrence	Application category	Q13 - Minor dwellings

<b>Recommendation Summary</b>	<b>Delegate to Development Control Manager to grant planning permission subject to criteria listed in report</b>
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Reason for Panel consideration	Ward Member referral request - Item requested to go before the panel by local ward member Cllr Mrs Blatchford
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Applicant:	Mr C Cooper	Agent:	Mr C Patrick
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Date of receipt	21/12/2009	City Ward	Sholing
Date of registration	21/12/2009	Ward members	Cllr Mrs S J Blatchford
Publicity expiry date	15/2/2010		Cllr C G Dick
Date to determine by	15/02/2010 <b>OVER</b>		Cllr N M Fitzgerald

Site area	0.056 ha	Usable amenity area	120 sq.m.
Site coverage	75%	Landscaped areas	N/A
Density - whole site	100 d.p.h		

Residential mix	numbers	size sq.m	Other land uses	class	size sq.m
Studio / 1-bedroom	1	37-75sqm	Commercial use	N/A	N/A
2-bedroom	N/A	N/A	Retail use	N/A	N/A
3-bedroom	2	58-63sqm	Leisure use		
other	1	72 sq m	other	N/A	N/A

accessibility zone	medium	policy parking max	4 spaces
parking permit zone	no	existing site parking	3 spaces
cyclist facilities	yes	car parking proposed	6 spaces
motor & bicycles	5 cycles	disabled parking	0 spaces

**Key submitted documents supporting application**

1	Design and Access Statement	2	Sustainability Checklist
3	Landscaping plan	4	Aboricultural Report
5	Visual montage of site and surrounds	6	Planning Statement

<b>Appendix attached</b>			
1	Development Plan Policies	2	Suggested Planning Conditions

**Recommendation in full**

Delegate to Development Control Manager to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement to secure:-

- (i) A waste management plan, to ensure that refuse containers are brought to the property's front forecourt on collection day and removed back to their enclosure within the site once emptied; and,
- (ii) A financial contribution towards the reinstatement and enhancement of the biodiversity immediately adjoining the application site's south-western boundary, in accordance with Policies CS22, CS23 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) ; and,
- (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.

And that the D C Manager be authorised to refuse permission if the Section 106 Agreement has not been completed within 56 days of the date of the Panels decision on the ground of failure to secure the provisions of the Section 106 Agreement.

### **Site & Surrounding Context**

The street is very mixed in terms of the character and appearance of its housing. Some flats have been constructed in the street and a number of properties abutting the Greenway have taken advantage of the site slope to extend downwards, and have developed their roofspaces so that they read as four levels of accommodation at the rear and only two levels to the street.

The south-eastern and south-western boundaries of the site are abutted by the Shorburns Greenway, which is allocated on the Proposals Map of the Local Plan Review as protected open space and a site of importance for nature conservation. That part immediately abutting the site has a more open grassed character, merging into trees on the street frontage and done by the brook. The south-eastern side of the street, with its outlook over the wooded Greenway and the highway leading to the site from Portsmouth Road has a rural character.

It is abutted by the other semi-detached house to the north-east. Detached and semi-detached housing is located on the north-west side of the street opposite the site, set back the carriageway (no pavement exists in this part/side of the street) occupying a more elevated position.

A prominent Oak tree exists just outside the site in the Council's care. Even without leaf cover its canopy obscures the appearance of the application site.

### **Proposed Development**

The applicant proposes to extend this semi-detached dwelling to the side and rear to enable its conversion to five flats. The sides of the extension would mostly be treated with sloping roof surfaces, leading up to an area of flat roof. The flat to be formed in the roofspace would have a terrace area cut into its surface and otherwise lit from two rooflight windows on its south-west facing roofslope and a number in the area of flat roof.

An undercroft would exist in the side extension to enable vehicular access to the rear of the site and a segregated pedestrian corridor would give common access via a central stairwell for the occupants of the other dwellings to safely and conveniently reach the parking area and garden beyond

Some re-modelling of site levels would occur at the rear to create 6 car parking spaces with lower common amenity space beyond. A private garden terrace would be available to the maisonette and a balcony would be provided to the flat above it. A common bicycle and garden store would be created underneath the private garden terrace and accessed from the parking area, where a refuse enclosure would also be formed. Refuse would be taken to the front forecourt area on collection days and returned to the refuse store once the refuse containers had been emptied.

The proposals have been amended from their original submission, where seven one bedroom flats were initially proposed. The roof form has also been adjusted so that the rear eaves line matches that of its abutting neighbour. These amendments have been re-notified to neighbours, Ward Members and consultees. Any further communications received will be reported verbally at the meeting.

The site is located on the south-east side of the street, set back some 4.2m from the pavement. Levels drop some 6.5m across the site from the street to a brook which forms the rear boundary. A landscaped common amenity space of some 120sqm would be available below the parking area.

### **Other Site Related Issues**

Part of the south-western margin of the site is shown allocated as a Greenway on the proposals map of the Local Plan Review. Over a period of time the application plot has increased in size in both a south-western and south-eastern direction, with claims to title having been registered with the land registry. Any questions about this case of 'adverse possession' will be answered at the Panel meeting. In more recent time, the City Council has erected a post and rail fence adjacent to the panel fence the applicant has erected along the south-western side boundary.

In recent time and certainly since March 2009, a tarmac hardstanding has been formed to the south-western side of the property to park vehicles on. In very recent time that and the front forecourt of the property have now been covered with shingle/pebbles. The character of that part of the Proposals Map allocation has clearly changed and has been incorporated into the curtilage of the dwelling.

Whereas no planning application has ever been made for the technical change of use of that strip of land from public open space to private dwelling curtilage, if that change has occurred more than four years ago, it would have become lawful and immune from planning enforcement action.

Whether there is any other separate action the Council could take to reclaim the land back is a separate matter outside of planning control, but this would clearly be a consideration for the applicant on deciding whether it was 'safe' to implement any works on this strip of 'allocated' land.

The agent has been challenged as to whether the correct ownership Certificate has been completed. The applicant has produced a land registry title map to affirm that the correct Certificate has been completed and that no eaves or foundation would project over the application site edged red if consent were granted and the scheme built out. Officers are therefore satisfied that the correct procedures have been followed and that the Panel acting as the local planning authority would be clear to reach a decision on this application.

Other than the S.I.N.C. designation of a part of the site – which the agent freely acknowledges - there are no site-specific policies which relate to the application site. The agent refers to the overall justification for original designation of the S.I.N.C. by Hampshire County Council in 1995 for its ancient woodland character. No part of the application site could be said to exhibit that character.

## **Relevant Planning Policy**

### LDF Core Strategy - Planning Southampton to 2026

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010) the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review, form the planning policy framework against which this application should be determined.

The relevant CS policies and the "saved" policies from the Local Plan Review are set out at **Appendix 1**. In particular, the adopted LDF Core Strategy Policy CS4 is relevant in the determination of this application.

## **Relevant Planning History**

There is no history of planning applications at this site, but pre-application discussions have occurred since 2007.

## **Consultation Responses & Notification Representations**

A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report, **12** representations had been received from surrounding residents relating to the originally submitted proposals.

The amended proposals have been re-notified to interested parties and any further representations received in writing will be reported verbally at the meeting.

### Summary of Representations made

- Part of the site is not in the applicant's ownership, but in fact belongs to the City Council.
- Visual Impact not in keeping with a fine example of late Victorian property
- Overdevelopment and would appear overbearing to adjoining occupiers
- Overdevelopment and intensity of occupation would harm the character of the area
- Overlooking neighbouring properties and result in a loss of privacy
- Car parking provision is not enough to serve the development
- Disturbance from use of the car parking area that previously did not exist
- Increase in vehicular movements would have a harmful impact on highway safety
- Drainage infrastructure does not have sufficient capacity to cope
- Flat sizes are too small and the accommodation would not be accessible by all
- Devaluation of property values and disturbance/congestion during construction
- The proposals would be unsustainable nor meet the challenges of climate change
- The cycle store is inconveniently located
- Ecological enhancements are inadequate

## Summary of Consultation comments

**SCC Highways** – No objections subject to conditions.

**SCC Ecology** – Overall, an objection is raised to the incursion into the S.I.N.C. as delineated on the Proposals Map of the Local Plan Review, albeit it is acknowledged that the precise boundary line is now hard to tell and that the upper part of the garden is already hard surfaced.

The loss of hedgerows abutting the new fence the applicant has erected is regretted in terms of the wildlife habitat it would have provided. This should be re-instated to comply with one of the reasons why the S.I.N.C. was first established. The absence of woodland on that part of the site technically within the S.I.N.C. does not diminish the social value of designation. The creation of a formal landscaped garden would be of value to some invertebrates and birds. The creation of a more natural environment by the brook is also supported. The proposals are considered to breach Policy NE3 of the Local Plan Review and Policy CS22 of the Core Strategy.

**SCC Sustainability** – Consider that the new dwellings should be built out to achieve Level 3 of the Code for Sustainable Homes. The use of SUDS is promoted in relation to the proposed parking apron. Conditions are suggested to secure that objective to meet Policy CS20 of the Core Strategy.

**SCC Environmental Health (Contamination)** - No objection. Suggests conditions to assess the contamination risks on site and to secure remediation as necessary.

**SCC Environmental Health (Pollution and Safety)** - No objection. Suggests conditions to minimise disruption during construction.

**SCC Trees Team** – There is already hardstanding within the root protection of the prominent Oak tree outside the site, so it would be feasible to construct this proposal. Disappointment is expressed as to no details of an arboricultural impact statement to safeguard that tree and a number of safeguarding conditions are suggested. Reservation is expressed about allowing further access across the Greenway to implement the development.

**SCC Civil Engineering Team** – the submitted method statement pertaining to the terracing of the land is accepted including the need for a competent structural engineer to design and supervise the works. No objections are raised in principle.

**SCC Housing**– Noting the reduction in dwellings from 7 to 5, a net gain of only four dwellings would result and as such this would not trigger a requirement for affordable housing under Core Strategy Policy CS15.

**SCC Property Services** – The encroachment onto Council land has resulted over a number of years from a case of ‘adverse possession’, where the applicant has registered title with the land registry. The matter is still being looked into and an Officer from the Property Service will be available at the meeting to give an update and answer Member questions.

**Natural England** – do not have any concerns relating to this development and sites designated for nature conservation purposes. The developer’s attention should be drawn to the presence of protected species, particularly bats, if the development proceeds. Biodiversity enhancements in the form of bird and bat boxes are supported.

**Hampshire Constabulary** – note the secure cycle store and secured gated access to the undercroft, which should mitigate for limited natural surveillance of parked vehicles on site.

## **Planning Consideration Key Issues**

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

- Encroachment onto the S.I.N.C. and whether significant harm has resulted to local nature conservation interests, which cannot be mitigated;
- Principle of development;
- Residential design, density and impact on the established character;
- The impact on existing residential amenity;
- The quality of residential environment for future occupants; and,
- Whether highway safety would be compromised and whether the travel demands of the development can be met.

### Encroachment onto the S.I.N.C.

Evidence exists to show this has occurred. This does not prevent an application being made on land so designated and provided the correct ownership certificate procedures have been followed, the local planning authority is free to arrive at a decision on the application.

The site was visited in March 2009 and it was noted that the lower part of the 'boundary' to the Greenway was marked by a hedge and the upper part by fence panels flanking a tarmac hardstanding. The garden was laid to turf and appeared to have no obvious ecological value. Tree felling had occurred in the margin adjacent to the brook and this was known to the Council's Tree Officers.

Notwithstanding the proposals, it is hard to argue that harm has been caused to the Greenway as an entity, based upon its condition witnessed in March 2009. Having regard to other provisions of the Development Plan, the proposals are not considered so harmful to local nature conservation interests to warrant the refusal of permission, where mitigation and enhancement to the S.I.N.C. could be secured through a planning agreement.

Whether the Council intends to challenge the encroachment as a land owner is a separate matter and does not prevent the local planning authority reaching a decision on this application.

### Principle of Development

The redevelopment of this site for residential purposes is in accordance with central government's aims and local plan policies for the efficient use of vacant and brownfield sites. The application proposes a genuine mix of accommodation including a three-bedroom maisonette family sized unit, which will provide a greater choice of accommodation within this community, in accordance with central government planning guidance on housing development (PPS3). The residential density accords with the minimum amount required by the Local Plan Review. Flatted development exists close by, so a housing character argument would not be sustainable at Appeal.

### Residential design, density and impact on the established character

The percentage site coverage does exceed the guide of 50% in the Residential Design Guide, but given the site topographical constraints, residents' calls for more car parking,

common amenity space exceeding the council's standards, private amenity space and the limited public views of hard surfacing (which could be attractively treated), this is difficult to sustain as an objection to the proposals.

In terms of scale and massing, whilst the application proposes three-storey residential accommodation at the rear, with a fourth level contained within the roof space, there are examples elsewhere in the street of others who have used the topography of the site to comfortably achieve that in visual terms.

The extension would be sub-ordinate in appearance when viewed from the street to the host dwelling and its semi-detached neighbour at 95 Botany Bay Road. Views north-east from the Greenway would reveal a built form greater than that currently seen, but overall the style of architecture is not considered to be discordant to the very mixed character of built form in the area. Views from the east side of the Greenway looking west are very obscured by tree cover, even without its foliage, as the panel presentation will demonstrate.

#### Impact on residential amenity

The property which stands to be most affected is the other semi-detached house abutting the site - 95 Botany Bay Road. That property has a stepped-in boundary line with No.97 at the rear, which is unusual and the main garden area falls away rapidly down a slope, dog-legging to the north-east away from the application site and alongside the brook. A first floor window in No. 95 serves a bathroom and is obscured glazed. The nearest bedroom window and the dining room window below that are recessed around a return in the building footprint and do not provide an outlook of where the rear extension is proposed. There is only a very narrow garden strip from where the extension would be most noticeable.

Overall the extension would not appear overbearing when viewed from the garden of 95 Botany Bay Road and would not shade any habitable rooms, nor restrict outlook from the aforementioned bedroom or dining room.

#### The quality of residential environment for future occupants

A satisfactory residential environment would be created, with an attractive outlook onto the Greenway. Flat sizes are not considered to be too small and have in fact increased owing to the reduction in density.

#### Whether highway safety would be compromised and whether the travel demands of the development can be met

The site lies within an area of medium accessibility to public transport and the proposal incorporates above the maximum number of car parking spaces permitted by the Local Plan. The likelihood of overspill car parking to the street may occur to a degree, but this is not considered so harmful as to warrant the refusal of planning permission.

The development would be served by the existing point of access and there is sufficient space to enable vehicles to turn on site and so enter and leave the site in a forward gear. There would be adequate sight lines from the access.

Cycle parking has been provided to the council's standards and following the reduction in density now exceeds those standards.

## Other matters

Overlooking – No greater degree of overlooking of neighbouring gardens would take place than already is possible from a first floor window.

Having regard to the layout of 95 Botany Bay Road, no additional disturbance from the periodic movement of cars can be considered so disturbing to warrant the refusal of planning permission.

No objections on highway safety have been received from Highway Officers and a segregated pedestrian access exists alongside the vehicular undercroft. Regarding the alleged removal of a school warning traffic sign from the public highway, the missing school safety traffic sign has been brought to the attention of the Schools Safety Officer and is being investigated.

The proposed cellular storm drainage units under the car parking apron would cater for drainage infrastructure capacity. Any views from Southern Water will be reported at the meeting, but ultimately this is a technical problem which has a solution.

Devaluation of property values is not a material planning consideration.

Any disturbance / congestion during construction could be countered by a Party Wall agreement with the neighbour to implement any consent. A construction management plan condition is suggested to ensure undue or prolonged congestion of the highway does not occur. Whether the council will give the applicant a licence to cross Greenway land to realistically build out the proposals is a separate matter outside the determination of this planning application.

The proposals would need to be DDA compliant with Part M of the Building Regulations.

No provision has been made to bring refuse bins to the highway on collection day as this would be controlled through the legal agreement.

Whilst the mix and balance of any community can be affected by development, flatted development already exists and no special policies exist in the development plan pertaining to this street to substantiate such a notion at Appeal.

The better use of brownfield land is itself recognised as sustainable by the government. Other matters of water and energy efficiency can be conditioned.

The cycle store has been located to take advantage of the topography, it is useable and considered adequate by Hampshire Constabulary and Highways.

The ecological enhancements are supportable and compliant with the development plan. The legal agreement would seek redress to any habitat erosion that recently took place when a new fence was installed.

Matters of land ownership have been covered elsewhere and the Council may take separate action in respect of the title the applicant has registered, covering part of land formally shown as a S.I.N.C. on the Proposal Map of the Local Plan Review.



## Summary

The proposed development would make more efficient use of this brownfield site and would deliver safeguard family housing, whilst delivering a mix of other dwellings, with the potential to make a balanced community. The proposal respects the amenities of nearby residential development.

## **CONCLUSION**

By securing the matters set out in the recommendations section of this report by the completion of a Section 106 Legal Agreement, the proposal would be acceptable. The application is therefore recommended for delegated approval to the Development Control Manager.

## **Local Government (Access to Information) Act 1985**

### **Documents used in the preparation of this report Background Papers**

1 (a) (b) (c) (d), 2 (a) (c) (d), 3 (a), 6 (a) (c) (d) (l), 7 (a) (c) (k), 8 (a) (j)  
(SL 3.2.2010 for 16.02.2010 PRow Panel)

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RECOMMENDATION: DEL

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**CONDITIONS for 09/01391/FUL**

01. Commencement

The development hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION - Construction method statement

The development hereby approved shall not commence until a method statement and appropriate drawings of the means of construction of the development has been submitted to and approved in writing by the Local Planning Authority. The method statement shall in particular specify vehicular access arrangements, the intended positioning of any scaffolding, the areas to be used for contractors vehicle parking and plant storage of building materials and any excavated material, temporary buildings and all working areas required for the construction of the development hereby permitted. The building works shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect the amenities of neighbours and the wider environment and to ensure adequate access and servicing (including a refuse cart) can be maintained to the existing housing in Botany Bay Road and Bay Road.

03. PERFORMANCE CONDITION - Construction access

Unless otherwise specifically agreed through further written Licence by the City Council's Property Services, no construction access to the site shall be taken over the adjoining Shorburs Greenway.

Reason:

To protect a Site of Importance for Nature Conservation under Policy NE3 of the City of Southampton Local Plan Review (March 2006).

04. Details of External Materials - Samples

No development shall take place until details (and samples where required) of the materials to be used in the construction of the external surfaces of the development including all external fixtures, fittings, facing brickwork, render, window frames and mortar and details of window and doorway reveals have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved 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.

05. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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

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

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

Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

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

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

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

Reason:

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

07. APPROVAL CONDITION- 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. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

**REASON:**

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

**08. APPROVAL CONDITION - Landscaping detailed plan**

The detailed landscaping scheme shown on drawing 07/435/15, prepared by Elizabeth Dean shall be carried out prior to occupation of any of the dwellings or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

**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.

**09. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]**

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

**Reason:**

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

**10. No Pruning Felling Trees**

The large Oak tree and other trees within the adjoining Shorburs Greenway adjacent to the site shall not be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority.

**REASON**

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

**11. APPROVAL CONDITION - Arboricultural Protection Measures [Pre-Commencement Condition]**

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

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers

Timing and methods of site visiting and record keeping, including updates  
Procedures for dealing with variations and incidents.

Reason:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2005, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

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

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

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

Reason

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

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

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

Reason:

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

#### 14. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any building work or site clearance takes place.

REASON:

In the interests of enhancing the site's biodiversity and mitigating against the scheme's direct impacts.

#### 15. APPROVAL CONDITION - Sustainable Construction Materials (Pre-Commencement Condition)

A report detailing the specifications of the materials and construction techniques to be employed should be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. This report should demonstrate that the development achieves at least 1 out of the available 2 Construction Site Waste credits in the Code for Sustainable Homes Was 2 and achieves at least 8 out of the available 24 Materials credits in the Code for Sustainable Homes. The Local Planning Authority must be satisfied that developer has met the agreed requirements and this must be approved by them in writing prior to the first occupation of the development hereby granted consent. Only materials to the specifications agreed must be used in the construction of the development.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006) and Core Strategy Policy CS20.

#### 16. APPROVAL CONDITION - Water efficiency measures (Pre-Commencement Condition)

A comprehensive water use assessment of all the properties on the site shall be submitted to the Local Planning Authority prior to commencement of the development. The water use assessment shall inform a water management plan including measures and techniques to minimise water consumption during the lifetime of the development. The plan shall state the Internal potable water consumption measures in litres per person per day (l/p/d), and contain clear targets and a monitoring programme. The water management plan shall be submitted to the Local Planning Authority prior to the commencement of the development hereby granted consent.

Reason:

To reduce overall water consumption and demand on resources in compliance with SDP13 (vii) of the City of Southampton Local Plan (2006).

#### 17. APPROVAL CONDITION - Energy Efficiency Measures (Pre-Commencement Condition)

A comprehensive energy assessment for all the properties on the site should be submitted to the Local Planning Authority prior to the commencement of the development. The energy assessment shall inform an energy management plan including measures and techniques to minimise energy consumption during the lifetime of the development. The plan shall state the percentage improvement over Target Emission Rate (TER) as determined by the 2006 Building Regulation Standards, and contain clear targets and a monitoring programme. The energy management plan shall be submitted to the Local Planning Authority prior to the commencement of the development hereby granted consent.

Reason:

To reduce the impact of the development on climate change and finite energy resources and to comply with policy SDP13 (vi) of the City of Southampton Local Plan (2006).

#### 18. Maximum car parking

Only 6 car parking spaces, in accordance with the plan number 07/435/14.C, shall be surfaced, marked out and made available for occupiers of the development, before the first occupation of any of the dwellings. The onsite turning area shall be kept clear at all times.

REASON

To prevent obstruction to traffic in neighbouring roads.

## 19. Cycle parking

The facilities shown for the secure and undercover parking of at least 5 bicycles utilising an individual locking system for each cycle (e.g. Sheffield stands) shall be provided and made available for use by occupiers of the development before any of the flats are first occupied in accordance with the approved plans. The cycle storage approved shall be retained and maintained on site for that purpose at all times.

### Reason

To encourage cycling as an alternative form of transport.

## 20. Refuse facilities

Before any of the flats are first occupied, the respective bin stores shown on the approved plans shall be provided and made available to occupants of the dwellings. A level bin stationing area created on the forecourt of the property. Those facilities, which shall include provision for recycling waste, shall be retained at all times thereafter.

### Reason

In the interests of amenity.

## 21. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

### REASON

To protect the amenities of occupiers of nearby dwellings during the construction period and in the interests of highway safety in the vicinity.

## 22. External lighting

Before any of the flats hereby approved are first occupied, the developer shall submit details of all external lighting for the completed project, particularly to common car parking areas to the flats for approval by the Local Planning Authority in writing. The scheme shall specify that lighting is of flat glass, full cut-off design with horizontal mountings and shall be so designed and sited as to not cause undue glare and light spillage above the horizontal onto neighbouring land/the night sky. Once approved, those details relating to the finished development shall be fully implemented before any of the dwellings are first occupied in accordance with the approved details and maintained in good working order at all times thereafter.

### Reason

In the interests of crime prevention, to protect the amenities of neighbours and to minimise the light intrusion to the adjoining Shorburs Greenway, where bats forage.

### 23. Land stability

No dwelling shall be occupied until the retaining wall structures shown on drawing 07/435/17 have been constructed under the supervision of competent structural engineer.

#### Reason

To secure a satisfactory form of development in the interests of public safety.

### 24. Wheel Cleaning

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 have been cleaned sufficiently to prevent mud being carried onto the highway.

#### Reason

In the interests of highway safety.

### 25. APPROVAL CONDITION - Amenity Space Access

The garden areas and external pathways shown on the approved site plan (save those show allocated to ground floor flats), and pedestrian access to them, shall be made available as communal areas prior to the first occupation of any of the flats and shall be retained with access to it at all times for the use of the residents and their visitors.

#### REASON:

To ensure the provision of adequate amenity space in association with the flats.

### 26. PERFORMANCE CONDITION - Cellular storm-water storage

The Cellular storm-water storage system indicated on drawing 07/435/13C shall be fully implemented as part of the proposals and maintained in full working order for the life of the development.

#### Reason:

To mitigate the impact of storm-water in times of heavy rainfall, to avoid flooding downstream, in the interests of preserving the ecology of the adjoining Shorburns Greenway and highway safety downstream adjacent to the brook.

### 00. REASON FOR GRANTING PERMISSION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The architectural solution, is acceptable for this site having regard to the change in site levels and sub-ordinate roof ridge and set-back from the front building line. Whereas part of the site appears to be zoned within a Site of Importance for Nature Conservation, in reality where the footprint of the side extension is shown is already largely a hardstanding and the remaining strip has been largely turfed. Mitigation for damage to habitat is to be achieved through a financial contribution to enhance biodiversity immediately outside the site boundary. The proposed car parking exceeds the Council's current Local Plan Review standards but has been justified. The application has addressed the policies of the Council's Core Strategy and plans to meet its sustainable development obligations. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.



Policies - SDP1, SDP3, SDP5, SDP7, SDP9, SDP10, SDP13, NE3, H1, H7, and IMP1 of the City of Southampton Local Plan Review (March 2006) and Policies CS 4, CS 5, CS 13, CS 16, CS 18, CS 19, CS 20, CS 22 and CS 25 of the Core Strategy for Southampton (January 2010).

#### Note to Applicant

1. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne, Hampshire or [www.southernwater.co.uk](http://www.southernwater.co.uk).

2. A formal application for connection to the water supply system is required in order to service this development. Please contact Southern Water's Network Development Team (Water) based in Chatham, Kent or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**Relevant Planning Policy**

**Core Strategy (January 2010)**

Policy CS 4 Housing delivery  
Policy CS 5 Housing density  
Policy CS 13 Fundamentals of design  
Policy CS 16 Housing mix and type  
Policy CS 18 Transport: reduce – manage - invest  
Policy CS 19 Car and cycle parking  
Policy CS 20 Tackling and adapting to climate change  
Policy CS 22 Promoting biodiversity and protecting habitats  
Policy CS 25 The delivery of infrastructure and developer contributions

**Adopted City of Southampton Local Plan Review Policies**

SDP1	General Principles
SDP2	Integrating transport and Development
SDP3	Travel Demands
SDP5	Development Access
SDP6	Parking
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
NE3	Sites of Importance for Nature Conservation
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H8	Housing Density
H12	Housing Type and Design
CLT5	Provision of Open Space
CLT6	Provision of Children’s Play Space
IMP1	Provision of Infrastructure

Residential Design Guide (September 2006)

Family Housing SPD (2009)