

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 31<sup>st</sup> August 2010  
 Planning Application Report of the Planning and Development Manager

<b>Application address:</b> 210 Bassett Green Road, Southampton			
<b>Proposed development:</b> Redevelopment of the site by the erection of 3 x 6 bed detached dwellings with integral garages, car parking and amenity space - Description amended following validation to remove 2 of the proposed dwellings.			
Application number	10/00811/FUL	Application type	Full (LDD 19.8.10)
Case officer	Stephen Harrison	Public speaking time	5 minutes

<b>Applicant:</b> Drew Smith Ltd.	<b>Agent:</b> Tony Oldfield Architects
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<b>Recommendation Summary</b>	<b>Conditional Approval</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. Following the proposed amendments, and the removal of 2 dwellings from the scheme, the application is considered to be acceptable. Whilst the development includes existing residential garden, and the priority for new development should be on previously developed land, the proposal is considered to respect the established pattern of development and provides additional family housing meeting a specific housing need. The retention of the mature landscape setting and the position of the dwellings within the plot will result in no visual impacts to the existing streetscene or the wider context. Other planning concerns and the views of local residents have been considered, as detailed in the report to the Planning and Rights of Way Panel on 31<sup>st</sup> August 2010 but these 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.

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS18, CS19 and CS20 and the Council’s current adopted Supplementary Planning Guidance, including the “Residential Design Guide”. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport) are also relevant to the determination of this planning application.

<b>Appendix attached</b>			
1	Development Plan Policies	2	09/01236/FUL Decision Notice
3	09/01236/FUL Layout		

**Recommendation in Full**

Conditional Approval

## **Background**

This application follows the refusal by the Planning and Rights of Way Panel of an earlier application at this address for 9 no.4 bed dwellings. This development included three storey blocks. The refusal is subject of a current planning appeal.

### **1.0 The Site & Context**

The application site comprises a detached two-storey dwelling, and ancillary structures, that are located within a large residential plot. The site is well screened from Bassett Green Road by a mature boundary hedge and tree screening, which is subject to a Tree Preservation Order. The surrounding area is predominantly residential and is characterised by a low-density, attractive and verdant character. The remaining site boundaries also benefit from a mature (predominantly evergreen) vegetation screen. There is no prevalent architectural style within the vicinity of the site, although the area is characterised by individually designed properties located centrally within spacious plots.

### **2.0 Proposal**

2.1 The application was submitted and validated on the basis of 5 dwellings. Following negotiations with officers, and the receipt of an amended scheme, the application now proposes the demolition of the existing property and the construction of 3 detached dwelling houses (each containing 6 bedrooms). The revised layout now also allows for the protected Scots Pine to be retained.

2.2 The proposed buildings are predominantly two storeys in height with accommodation contained within the proposed roofspace. Each dwelling is arranged centrally within its plot and has been individually designed whilst relating to each other. Typically these buildings have an eaves height of 4.8 metres and a finished ridge height of 9 metres.

2.3 The properties are arranged within a linear pattern towards the centre of the plot. The principal vehicular entrance is taken from the existing access onto Bassett Green Road. Parking would be provided within double garages associated to each dwelling with space for additional frontage parking. The proposed dwellings are traditional in appearance constructed of a facing brick with a pitched clay tile roof form. Timber window frames and chimney detailing also assist in achieving an acceptable design solution. The layout is well articulated with a staggered building line taking account of the prevailing pattern of development associated with this part of the City.

### **3. Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies (namely, adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13).

3.3 PPS3 Housing (2010): On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government’s Planning Policy Statement on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.

3.4 The revised PPS3 maintains that the priority for development should be PDL (Paragraph 36 refers).

3.5 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate that the city has a housing supply from identified sites sufficient to meet requirements until and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council's current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed "garden grab").

3.6 That said, the revised PPS3 maintains that the planning system should provide "*a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate*" (Paragraph 10 refers). The national annual target that "*at least 60 per cent of new housing should be provided on previously developed land*" remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.

3.7 It is the view of the Council's Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm *inter alia* to the character and appearance of an area. The judgement as to whether such proposals are acceptable will need to consider, amongst other factors:

- the loss of private residential garden land;
- the contribution the land currently makes to the character of the area;
- the impact on the defined character of the area; and,
- the contribution that the scheme makes to meeting housing need.

3.8 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).

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

09/01236/FUL **Refused 19.01.10 with appeal (Public Inquiry) pending**  
Redevelopment of the site. Erection of 9 x 4 bed houses (3 x 3 storey terraced houses, 2 x 3 storey semi-detached houses, 2 x 2 storey detached (one with accommodation in roof) and 2 x 2 storey detached houses with a accommodation in roof) following demolition of existing houses with parking and refuse/cycle storage.

A copy of the Decision Notice and layout are appended at **Appendix 2**.

#### **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 also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (08.07.10). At the time of writing the report **7** representations have been received from surrounding residents.

*Note: Interested parties have been given a deadline of 27<sup>th</sup> August to respond to the revised plans for 3 dwellings, and any additional comments will be reported verbally at the Panel meeting.*

5.2 Planning related issues raised that are not covered in the Planning Considerations section of this report include:

- The site has restrictive covenants that prevent additional development

Response

*This has not been verified by the Planning Department as such covenants are not a material planning concern and can be resolved by other means.*

5.3 **SCC Planning Policy** - No objection in principle. It is the view of Planning Policy that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development in private residential gardens. Instead, it allows Council's greater powers to resist such development where there is a demonstrable harm *inter alia* to the character and appearance of an area.

5.4 The case officer should weigh up any benefits in terms of additional housing (particularly family housing) against the loss of garden land (which should be looked at in terms contribution to amenity, wellbeing and biodiversity) and other relevant factors such as the impact on the character and appearance of the area.

5.5 The proposals would be under the general density levels that we would expect for an area of low accessibility, 35-50dph. However this needs to be considered in the light of the other factors, such as the impact higher densities could have on the character and appearance of the area and also the amount of additional garden land that would be lost if higher densities were required.

5.6 **SCC City Design** - Following the receipt of amended plans, and the removal of 2 dwellings from the original submission, City Design are satisfied that the proposal respects the character of the Bassett area and accords with the aims of Policy CS13 from the adopted LDF Core Strategy. Officers should use a planning condition to secure a good palette of materials.

5.7 **SCC Highways** - The site is in an area defined as having "low" accessibility (Band 1) to public transport links and local facilities. The provision of double garages to serve these large executive homes accords broadly with the Local Plan standards and the layout does not give rise to any highway safety concerns. Secure refuse and cycle storage is detailed on the plans and can be secured with the attached planning conditions.

5.8 **SCC Trees** - No objection. The trees on this site are included in The Southampton (Bassett Green Road) TPO 1962. There would appear to be little change in affect on protected trees with this layout from the previous. No objection is raised to this application on tree grounds subject to the attached planning conditions

5.9 **SCC Sustainability Team** - The applicant states that the development will meet Code Level 3, but there is no evidence of how this will be achieved. There is also no evidence of how the requirements of meeting a 20% reduction in carbon emissions through renewables will be met as required by Core Strategy Policy CS20.

## Response

*These comments were raised in response to the 5 dwelling scheme. As part of the revised scheme the applicants have shown how the scheme could accommodate photo-voltaics to meet the requirements of Policy CS20. A planning condition is recommended to secure these details.*

5.10 **SCC Environmental Health (Pollution & Safety)** - No objection.

5.11 **SCC Environmental Health (Contaminated Land)** - As the site is close to an historical gravel pit there is potential for land contamination issues. A desk-top study should be secured with a planning condition.

5.12 **SCC Ecology** - No objection. The current application is for a lower level of development than the previous application but in a similar layout. I am therefore satisfied that, provided the recommendations in the Phase 1 and 2 Ecological Surveys Report (Nov 2009) are implemented, there should not be a significant adverse effect on local biodiversity.

5.13 **SCC Archaeology** – No objections raised subject to the attached planning conditions. The site is close to a number of sites with high archaeological importance outside of the City boundary, including the Iron Age Hillfort of Chilworth Ring and other associated earthworks of the same date. Consequently there is archaeology potential.

5.14 **Southern Water** - A public sewer crosses the site. The exact location needs to be determined. It might be possible to divert it (at the applicant's expense). No objections, subject to the attached planning conditions.

## **6.0 Planning Consideration Key Issues**

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

- i. The Principle of Development;
- ii. Design, Density & Impact on Established Character;
- iii. Residential Amenity; and,
- iv. Highways and Parking.

### **6.1 Principle of Development**

6.1.1 Following the amendment to PPS3 the majority of the application site is no longer classified as previously developed land. Whilst the redevelopment of the existing dwelling complies with Local Plan Policy H2, the use of the garden for development requires further consideration. It is now harder to justify the principle of redevelopment.

6.1.2 Whilst the priority for housing delivery should be previously developed land, and not gardens by definition, the merits of this case should be given careful consideration. In particular, an assessment of the scheme's impact on the character of the area, and its efficient use of land for housing delivery, are material to the Council's planning decision.

### **6.2 Design & Density**

6.2.1 The proposed layout seeks approval for 3 large family dwellings that are set centrally within their plot. Each dwelling is served by a large garden (ranging from approximately 390sq.m to 470sq.m), which themselves are set within a mature landscape setting (as existing). This design approach is consistent with the pattern of development in this part of Bassett. Furthermore, the retention of the mature landscaping to the site's

boundaries will screen the additional development meaning that the established pattern of development is not compromised.

6.2.2 A traditional palette of materials is proposed, including a mixture of facing brick, tile hanging and tiled roof. Further details can be secured with the attached planning condition.

6.2.3 The typical density of the area ranges from 5-7 dwellings per hectare (dph), with the obvious exceptions of the Haven (35 dph) and the partially complete development at 220 Bassett Avenue (53 dph). The recently refused scheme for 9 dwellings on this site resulted in a net residential density of 31dph.

6.2.4 The proposed level of development, at 10 dph, is well below the Council's current requirements (of between 35 and 50 dph for areas of low accessibility) as detailed by LDF Core Strategy Policy CS5. However, it should be noted that the proposal is for large family dwellings in an area defined by similar dwellings and a low density development. In good planning terms the consideration of density should not be the prime determination factor for an otherwise acceptable proposal. Instead, density should only be taken as a final test as to the appropriateness of a scheme; and where a scheme's layout and design is considered to be appropriate for its context (as is the case here) it is these assessments rather than an arbitrary density figure that should prevail. In this case, especially following the removal of a minimum density requirement within the revised PPS3, it is accepted that to provide a proposal that respects its context, and that delivers additional family housing, a low density scheme will need to be employed.

6.2.5 This scheme responds well to its context. It is considered that the proposed footprint and quantum of development is acceptable and would make an efficient use of land whilst providing 3 large family dwellings within a mature landscape setting. The current scheme, therefore, assists the Council in meeting its housing requirements without harming the character of the area. It is considered that the application accords in broad terms with Local Plan design policies SDP1, SDP7 and H7 as supported by Core Strategy Policy CS13. The Council's City Design team have worked with the applicant to reduce the scheme's impact and are supportive of the application.

### 6.3 Residential Amenity

6.3.1 The proposed dwellings have been designed to sit within their plot, and are set some 4-5 metres from the common boundary with immediate neighbours. Rear gardens are in excess of 20 metres long and serve to provide the necessary separation between dwellings that is characteristic of this part of Bassett. As a result of these proposed spatial characteristics the existing residential amenity of the area, in terms of daylight, shadowing, privacy and outlook will not be compromised by this proposal.

6.3.2 The scheme significantly exceeds the external space standards of the Council's approved Residential Design Guide SPD (2006); namely paragraph 2.3.14 and section 4.4, as is required for a satisfactory development in this part of Bassett. In amenity terms the proposed separation between dwellings, the retention of the mature landscape setting, the orientation of the buildings within their plot and the generous area of associated external garden space combine to create an acceptable addition to the area. The application accords with the adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD.

## 6.4 Highways and Parking

6.4.1 Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling.

Applying the Council's adopted maximum standards (of 2 spaces per 4+ bedroom houses), as set out in Local Plan Policy SDP5 and LDF Core Strategy Policy CS19, the Plan suggests that the proposed development should be supported by no more than 6 car parking spaces. Each dwelling is served by a double garage to meet this requirement, and it is likely that additional parking will take place to the front of each garage.

6.4.2 It is unlikely that any overspill parking will occur onto Bassett Green Road (as is reported to be the case for the development at the nearby Haven). The Council's Highways Officer has raised no objection to the proposal subject to the attached planning conditions, and the application is considered to accord with Local Plan policies SDP4, SDP5 and Core Strategy policies CS18 and CS19.

## **7.0 Summary**

7.1 This application follows a recent refusal for 9 dwellings on this site and the revisions to PPS3, which have removed residential gardens from the definition of previously developed land. The presumption in favour of the redevelopment no longer exists, however the proposed development makes a more efficient use of land without harming the established character of the area.

7.2 Whilst the priority for residential development in Southampton remains previously developed land, the use of this garden to provide 3 large detached family dwellings (a net gain of 2) at a density of 10dph is, on balance, considered to be acceptable.

7.3 In visual terms there will be no change to the established streetscene due to the mature landscape setting and the TPO that defines the plot's frontage. This is material to this recommendation.

7.4 Unlike the previous refusal there is no need for a S.106 Legal Agreement as the scheme provides fewer than 5 dwellings.

## **8.0 Conclusion**

This application has been assessed as being acceptable to residential amenity and its local context. The application is recommended for conditional approval accordingly.

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

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

1(a), 1(b), 1(c), 2(c), 2(d), 2(e), 4(s), 6(a), 6(c), 6(d), 6(h), 6(g), 6(k), 7(a), 7(m), 7(v), 8(a), 9(a), 9(b) and PPS3 (2010)

## **SH for 31.08.10 PROW Panel**

## **10/00811/FUL - PLANNING CONDITIONS**

### **1. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

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

#### **REASON:**

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

### **2. APPROVAL CONDITION - Details of building materials to be used**

Notwithstanding the details shown on the approved drawings no development works (excluding the demolition phase) shall be carried out unless and until a schedule of materials and finishes (including full details and samples (where necessary) of the manufacturers, types and colours of the external materials) to be used for external walls, windows and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority.

#### **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.

### **3. APPROVAL CONDITION - Landscaping detailed plan**

Before the commencement of any site works a detailed landscaping scheme and implementation timetable (notwithstanding that already submitted), which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas, all means of enclosure (including the retention of the existing planting – where applicable) and external lighting shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

#### **REASON:**

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990



#### **4. APPROVAL CONDITION – Parking and Access [pre-occupation condition]**

Prior to the occupation of each dwelling hereby approved both the access to the site and the garaged parking spaces serving that dwelling shall be provided in accordance with the plans hereby approved. The garaged parking shall be retained for that purpose and not used for any commercial activity.

REASON:

To ensure a satisfactory form of development with an appropriate level of on-site parking.

#### **5. APPROVAL CONDITION - Sightlines specification [Pre-Commencement Condition]**

Prior to the commencement of the development hereby approved details of the sight lines from the access shall be submitted to the Local Planning Authority on a plan for approval in writing. The sightlines shall be provided before the development is first occupied and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To provide safe access to the development and to prevent congestion on the highway.

#### **6. APPROVAL CONDITION - Refuse and Cycle Storage**

Bin and cycle storage shall be laid out with a level approach (not in excess of 1:10) prior to the first occupation of the development hereby approved in accordance with the approved plans. The refuse facilities shall include accommodation for the separation of waste to enable recycling. The approved storage shall be retained whilst the development is used for residential purposes, with bins kept in their allotted stores on non collection days and moved to the presentation area only for collection purposes.

REASON:

In the interests of highway safety and visual amenity and to encourage recycling.

#### **7. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]**

The external amenity space serving dwelling hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of that associated dwelling hereby approved and shall be retained with access to it at all times for the use of the residents to this scheme.

REASON:

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

#### **8. APPROVAL CONDITION – Obscure Glazing (performance condition)**

The windows indicated as obscurely glazed on the plans hereby approved shall be fitted with restricted-opening top-hung openings and glazed in obscure glass before the dwelling first comes into occupation, and shall thereafter be retained in this manner.

REASON:

In the interests of the privacy of the neighbouring residential occupiers.

#### **9. APPROVAL CONDITION – Removal of permitted development**

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), E (outbuildings, enclosures or swimming pools) and F (hard

surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

REASON:

In order to protect the amenities of the locality and to maintain a good quality environment for this context.

**10. APPROVAL CONDITION – No other windows [performance condition]**

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, in relation to the development hereby permitted, no first floor windows or other roof openings shall be constructed in the development hereby approved other than those expressly authorised by this consent.

REASON:

In order to protect the amenity and privacy of neighbouring properties.

**11. APPROVAL CONDITION – Hours of work for Demolition / Construction**

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

Monday to Friday 08:00 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 LPA.

REASON:

To protect the amenities of the occupiers of existing nearby residential properties living along Bassett Green Road.

**12. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]**

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

REASON:

In the interests of highway safety.

**13. APPROVAL CONDITION - Bonfires [Performance Condition]**

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

REASON:

To protect the amenities of the occupiers of existing nearby properties.

**14. APPROVAL CONDITION – Sewers**

No development shall take place until a plan to divert the existing sewers has been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details prior to the first occupation of the development.

REASON:

As the proposed development crosses an existing sewer and to secure an appropriate solution to serve the proposal as requested by Southern Water in their consultation response dated 20<sup>th</sup> July 2010.

### **15. APPROVAL CONDITION – Sustainable Drainage Systems**

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

#### **REASON:**

As requested by Southern Water and to conserve valuable water resources, in compliance with policy SDP13 (vii) of the City of Southampton Local (2006) and to protect the quality of surface run-off and prevent pollution of water resources and comply with SDP21 (ii) of the City of Southampton Local Plan (2006). To prevent an increase in surface run-off and reduce flood risk in compliance with SDP21 (i) of the City of Southampton Local Plan (2006) and Code for Sustainable Homes: Category 4 - Surface Water Run-off.

### **16. APPROVAL CONDITION - Code for Sustainable Homes**

Written documentary evidence demonstrating that the development will achieve a minimum level 3 standard in the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and verified in writing for each unit prior to its first occupation.

#### **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) as supported by Core Strategy Policy CS20.

### **17. APPROVAL CONDITION – Renewable Energy - Micro-Renewables**

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO<sub>2</sub> emissions [of at least 20%] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO<sub>2</sub> emissions of the development [by at least 20%] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding the demolition phase) hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

#### **REASON:**

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

### **18. APPROVAL CONDITION - Land Contamination investigation and remediation**

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

#### **REASON:**

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

### **19. APPROVAL CONDITION - Tree Retention and Safeguarding**

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.

## **20. APPROVAL CONDITION - Arboricultural Protection Measures**

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.

## **21. APPROVAL CONDITION - Arboricultural Method Statement**

Notwithstanding the submitted details 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.

## **22. APPROVAL CONDITION - Ecological Mitigation Statement**

Unless otherwise agreed in writing by the Local Planning Authority the development (including demolition and clearance works to facilitate the development) shall be carried out in accordance with the evaluations and recommendations of the ECOSA Ecological Survey Final Document (November 2009).

### **REASON:**

To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

### **23. APPROVAL CONDITION - Use of uncontaminated soils and fill**

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

#### **REASON:**

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

### **24. 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

### **25. APPROVAL CONDITION – Archaeological investigation**

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

#### **REASON:**

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

### **26. APPROVAL CONDITION – Archaeological work programme**

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

#### **REASON:**

To ensure that the archaeological investigation is completed.

### **27. APPROVAL CONDITION – Archaeological damage-assessment**

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

#### **REASON:**

To inform and update the assessment of the threat to the archaeological deposits.

## **Notes to Applicant**

### **Southern Water – Public Sewerage - Informative**

A formal application for connection to the public sewerage is required in order to service this development. Please contact Atkins Ltd, Angle St James House, 39a Southgate Street, Winchester So23 9EH (tel. 01962 858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

### **Note to Applicant – Pre-Commencement Conditions**

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. It is important that you note that if development commences in without the condition having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms, invalidating the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Control Service.

### **Note to Applicant – Performance Conditions**

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

