

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 21.12.2010
 Planning Application Report of the Planning and Development Manager

Application address: Land to the rear of 6 and 7 Cranbury Terrace SO14 0LH			
Proposed development: Erection of a Terrace of 3 X four bedroom four-storey dwellings with vehicular access from Rockstone Lane, car parking, landscaping and repairs and extension to front boundary wall.			
Application number	10/01214/FUL	Application type	FUL
Case officer	Andy Amery	Public speaking time	5 minutes
Last date for determination:	Over Time	Ward	Bevois
Reason for Panel Referral	Member Referral being considered at Chairman's Discretion.	Ward Councillors	Cllr Burke Cllr Rayment Cllr Barnes-Andrews

Applicant: Trendloop Ltd	Agent: Consultant Planning Services
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the impact of the character of the conservation area, the privacy and amenity of nearby residents, the level of car parking and the impact on protected trees have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, HE1, HE6, H1, H7 of the City of Southampton Local Plan Review (March 2006) and CS13, CS14, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Appeal Decision

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The site comprises land that was historically part of the rear gardens of the Grade II listed buildings at 6 and 7 Cranbury Terrace but has for many years been physically separated from them by a 2m high fence and wall. It is a medium accessibility location in terms public transport links but is recognised to be within close proximity to the City Centre on foot.

1.2 The site is not visible from Cranbury Terrace, but instead forms part of the Rockstone Lane street scene. Whilst the site is located within the Cranbury Terrace Conservation Area, the properties in Rockstone Lane and the Lane itself are not part of that Conservation Area.

1.3 However, Rockstone Lane is an attractive street with a distinct sense of place. From Bevois Valley the street is seen to comprise a long terrace of cottaged proportioned two storey houses on its northern side with similarly proportioned houses in a shorter length of terrace ending with a red brick gable ended commercial premises on the southern side.

1.4 The tree canopy beyond this building has good amenity value and contributes to the character of the Lane particularly when approaching the city centre.

1.5 Being a cul-de-sac in close proximity to the city centre, parking restrictions are in place by means of a resident's parking scheme on the southern side of the street and double yellow lines along the length of the northern side.

1.6 The walled and treed frontage along the western section of the Lane, which includes the appeal site, has deteriorated in recent times with the development of flats towards the Avenue end resulting in the removal or lowering and re-building of sections of the wall, above which areas of surface car parking can be seen.

2. Proposal

2.1 The proposal has been amended and neighbours re-notified since its original submission, which sought to construct a building of similar height and design to those already approved but to 'infill' the gap between the two and provide 9 flats. In this regard it was similar to a scheme for 9 flats in 2008 which was refused (08/00093/Ful).

2.2 The proposals, as amended, seek to provide three 4-bedroom houses with off-road parking to the site frontage utilising an existing vehicular access point in Rockstone Lane. The proposals also seek to repair the front boundary wall to Rockstone Lane which has been partially demolished and is in a deteriorating condition.

2.3 The height and design of the terrace is similar to that approved and allowed on appeal for the currently approved separate flatted schemes but

differs by the infilling the of the gap between these units and effectively creating a terrace of houses.

2.4 Due to the change in levels across the site, and in particular from the Rockstone Lane frontage from where the ground rises markedly up towards Cranbury Terrace, the existing ground levels within the site frontage would have to be lowered. However, the layout differs significantly from the currently approved schemes in the reduced need for retaining walls within this frontage area which allows the front elevation of the terrace to be viewed from the street without being 'hidden' behind a series of retaining walls.

2.5 Unlike earlier schemes, the proposals do not include integral garages which enables a truer 'Georgian' frontage to be created. Each dwelling would benefit from rear south facing gardens of 14m length. The privacy distance between the rear windows in the houses and rear windows on the buildings at 6 and 7 Cranbury Terrace are between 25m and 28m which is identical to those approved on appeal. Internal cycle stores are provided for each dwelling with refuse stores designed to sit behind the repaired front boundary wall. One parking space is provided for each unit. The applicant has indicated that the scheme will achieve Code for Sustainable Homes Level 3.

2.6 The applicant intends to reinstate brick boundary walls to all boundaries, using where possible salvaged materials from the site, and to the height of the original walls which includes a reduction in height towards Rockstone Lane as the boundary follows the contours of the site.

3.0 Relevant Planning Policy

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

4.0 Relevant Planning History

4.1 The site has a lengthy planning history, the most relevant dates back to a planning application submitted in 1999 to construct a three storey house (plus basement) on the site at the rear of 6 Cranbury Terrace. This scheme (99/01417/Ful) was refused by the Local Planning Authority but subsequently allowed on appeal in 2001.

4.2 Subsequently, in 2003, a revised scheme of similar design and massing, but seeking three flats was approved by the Planning Panel 28 October 2003 (03/00422/Ful). In order to keep this consent alive, work commenced on constructing a section of the foundations. The digging and concreting a section of the foundations was undertaken in October 2008. Having received a commencement notice for these works the permission at the rear of 6 Cranbury Terrace remains live and able to be implemented at any time in the future.

4.3 Prior to the developer's decision to keep the consent for three flats alive, two further applications were submitted, and for the first time this included the combination of the land at the rear of both 6 and 7 Cranbury Terrace. 07/01184/Ful sought to provide 9 flats in a building of similar scale and massing to that now being proposed. This was withdrawn in September 2007 following concerns raised by officers, but was subsequently resubmitted in a revised form following negotiations with officers. However, the revised scheme 08/00093/Ful was then refused using officer's delegated powers on 20 March 2008.

4.4 More recently two separate applications were submitted for detached four storey buildings, each comprising three 2-bedroom flats on the individual plots at the rear of 6 and 7 Cranbury Terrace. Both applications were referred to the 25 November 2008 Planning Panel. The application for the site at the rear of No 6 (08/01367/Ful) was recommended for approval, given that with some minor adjustments it was, in practical terms, identical to that approved in 2003 and which had already been commenced.

4.5 However, the very similar scheme at the rear of 7 Cranbury Terrace (08/01366/Ful) was refused by Panel. At this time no consent existed on the site at the rear of No7 and Panel members considered the development of both sites would have an unacceptable impact on the character of the Conservation Area. However, the developer appealed this decision and the appeal was subsequently allowed on 16 July 2009. The appeal decision is attached to the report as 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, placing a press advertisement and erecting a site notice. At the time of writing the report **26** representations have been received from surrounding residents including a petition signed by 52 residents of Rockstone Lane. A summary of the objections is set out below the consultation responses and are responded to in the planning considerations section of the report.

5.2 **SCC Highways** - No objections. This is a medium accessibility area and the on-site parking meets the required standards.

5.3 **SCC Sustainability Team** - Note that the proposals have been assessed to achieve Code Level 3 but require conditions to be imposed to ensure that this is achieved in addition to a minimum 15% reduction in CO₂ emissions through the use of renewable or low carbon technologies.

5.4 **SCC Architect's Panel** – Having regard to the history of the site, the Panel welcomed and supported the improvements to the design and the provision of houses rather than flats. Conditions should be imposed to ensure attention to detailing and that the quality of materials used reflects the

sensitivity of the Conservation Area location including the setting of listed buildings.

5.5 **SCC Heritage** – Remain concerned that the buildings will appear very dominant in the street scene due to the level changes on the site and the existing proportion of buildings within Rockstone Lane. However, the current proposals are considered to represent a significant improvement in design terms on what has previously been allowed and the change to houses rather than flats is welcomed. A terraced form is more characteristic of the area than two detached structures. Careful attention needs to be given to the repair of the front boundary wall and landscaping, including new tree planting within the site.

5.6.1 **SCC Trees** – Some of the trees on this site are protected by the Southampton Cranbury Terrace Rockstone Lane TPO 1964, and the whole site falls within Cranbury Place Conservation Area, designated 8th September 1977. This makes them a material consideration in the planning process. "The tree survey supplied complies with BS5837 2005 and I am in general agreement with the grading of the trees. The site has a significant group of trees which provide a visual amenity to the area. However, individually there are few which are worthy of long term protection and retention. I have also considered the previous application and appeal decision which states the Council has accepted that none of the trees, which would be removed merit preservation and in the Inspector's view the proposed replacement of existing trees with new planting would not harm the character of the street scene."

5.6.2 I would therefore find it difficult to support any reason for refusal to this application if supported by suitable replacement planting

5.7 **SCC Environmental Health (Contaminated Land)** – comments not received.

5.8.1 **SCC Ecology** – It is possible that the garden vegetation is being used as foraging habitat by bats. A bat survey undertaken by SCC Highways in connection with a lighting scheme on Asylum Green detected foraging activity by Pipistrelle bats. Bats are highly mobile creatures and will move along corridors of vegetation in search of food. It is possible that bats could move from Asylum Green to Rockstone Place using highway trees and vegetation in the gardens. It is therefore suggested that the vegetation along the Rockstone Place boundary is either retained or replaced to maintain a corridor back to Asylum Green.

5.8.2 Also, slow worms, are a possibility. South Hampshire is a stronghold for this species and they are frequently found in gardens, even the most intensively managed. Slow worms are protected from deliberate killing and injury so site clearance needs to be undertaken carefully. In particular, features such as the collapsed wall could provide hibernation sites and as such should not be disturbed until the weather has warmed up sufficiently for slow worms to have come out of hibernation (probably March/April). Ideally

the whole site should be surveyed for presence/probable absence and any slow worms found moved either to retained garden area or an alternative site. In addition, the wall should also be dismantled carefully and any slow worms found moved to a safe location.

5.9.1 SCC Policy (housing) - Core Strategy Policy CS4 sets out the housing delivery for the city which identifies that an additional 16,300 homes will be built between 2006-2026. As of 2008/09 3202 dwellings have been completed. Policy H2 of the Local Plan Review identifies the council's approach for proposals for housing on previously developed land (which would have previously included residential gardens). H2 seeks to make the maximum use of derelict, vacant and underused land for residential development and could be interpreted as giving a general presumption in favour of this sort of development subject to a number of provisions (listed i – vii in the policy). These policies together would therefore generally give a favourable view of this type of development subject to other policies relating to design, impact on residential amenity etc.

5.9.2 Core Strategy policy CS5 deals with housing density and includes a table of general density levels relating to levels of accessibility. The policy states that they should be generally accorded with and lists a number of other factors that should be considered when determining density including the need to protect and enhance the character of an area. As submitted the proposal at around 38dph would be slightly below the density levels that we would expect for an area of medium accessibility (50-100dph) but with the recent changes to PPS3 and the removal of a minimum density this is also a material consideration and should be weighed up in this case.

5.9.3 Policy CS16 is clear that the council will provide a mix of housing types, and is supportive of family homes (criterion 1). The policy also concedes that density levels can be varied in different situations to facilitate this provision (criterion 5). Providing family housing in city centre or edge of centre locations can be problematic in viability terms, so with this in mind Planning Policy would be particularly supportive of family homes on this site.

5.10.1 Design

5.10.2 Policy CS13 sets out the Councils approach to design and the range of issues that should be taken into account when considering design. Of particular relevance to this application is:

Architecture

- 1. Respond positively and integrate with its local surroundings, character and architectural vernacular without being a pastiche of the past.*

Historic Environment & Conservation

- 3. Reflect the importance of the city's archaeology, historic and cultural heritage*

Landscape

- 6. Contribute to the greening of the city incorporating landscape qualities, green infrastructure and biodiversity.*

5.10.3 The design of the scheme needs to be carefully considered both in terms of the building proposed and also in terms of the issue of developing on the gardens per se and the impact it could have on the character of the area; in this case Rockstone Lane's built form follows that of a terrace of small 2-storey cottage dwellings. The 4-storey building as proposed appears to be in sympathy with some of the Georgian properties in Cranbury Terrace, but the presence of a 4-storey Georgian block in Rockstone Lane might be considered discordant with the majority of dwellings there (particularly critical, given this is a Conservation Area).

5.11 Amenity Space

5.11.1 The proposal would remove a portion of the amenity (garden) space from the existing properties (6 and 7 Cranbury Terrace) and the Planning Statement does not state how much sq m of amenity space will remain for those dwellings..

5.11.2 Policy CS16 also sets out that family homes are to have direct access to a useable private amenity space or garden, with a minimum size of 50m sq m for terraced houses such as the proposed dwellings here. This proposal does not trigger Policy CS16 (e.g. as it is not part of 10+ development and is not a replacement dwelling), however, the council's *Residential Design Guide* (Sept 2006) also provides guidance on minimum garden sizes (p.28) which the case officer should consider. The 3 dwellings should therefore receive at least 50 sq m of amenity space respectively in order to be in accordance with the RDG.

5.11.3 CS21 states that the Council will retain the quantity and improve the quality and accessibility of the city's diverse and multi-functional open spaces and help deliver new open space both within and beyond the city to meet the needs of all age groups. While the policy itself does not specifically mention gardens, domestic gardens are included in the list of open spaces as defined in PPG17 and therefore the impact of the loss garden land should be considered particularly in terms of its amenity, biodiversity, health and wellbeing it can provide.

5.12 Biodiversity

5.12.1 Policy CS22 seeks to promote biodiversity. The supporting text of the policy lists gardens as being the type of undesignated place where much biodiversity can be found. The supporting text of the policy also states that the Core Strategy seeks to protect and enhance Southampton's natural environment and the habitats and species listed in the Council's Biodiversity Action Plan.

5.13 Parking Standards

5.13.1 Policy SDP5 of the Local Plan Review states that planning permission will only be granted where the development provides no more car parking than the maximum in the adopted standards (Appendix 1). In this instance,

residing in an area of medium PTAL accessibility, the proposal could provide for up to a maximum of 3 car parking spaces. The proposal would appear to be in accordance with the council's car parking standards.

5.14 National Planning Policy

5.14.1 PPS3: Housing. In June 2010 the government amended PPS3: Housing. The amendments changed the definition of Previously Developed Land to exclude residential gardens and also removed the national minimum density. In light of this the case officer needs to weigh up the implications of these material changes to PPS3 against the policies as written in the development plan and in particular the ones discussed above.

5.14.2 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 Local Planning Authority's greater powers to resist such development where there is a demonstrable harm *inter alia* to the character and appearance of an area.

5.14.3 The recent change to the status of residential gardens as PDL removes the general presumption in favour of development (as mentioned in policy H2) and results in us being in a position whereby any proposed development should be assessed on its merits in relation to planning policy; and in particular in relation to those policies discussed above.

5.14.4 Given all of the above it is important to weigh up the issues in the development plan against any material considerations, in this case the changes to PPS3 proposals should not be allowed just because in the past they would have been justified under the objective of making more efficient use of PDL.

5.14.5 Any benefits in terms of additional housing should be weighed against the loss of garden land (which should be looked at in terms contribution to amenity, wellbeing and biodiversity), and the fact that the proposal sits on a site that already has extant planning consent for residential development.

5.15 **Southern Water** – raise no objections to the scheme but request a condition be imposed relating to the disposal of foul and surface water from the site.

5.16 **The third party representations** from local residents raised the following issues:

- Scale, height and form of development is totally out of character with Rockstone Lane.
- Insufficient car parking will lead to additional congestion and highway safety issues in Rockstone Lane.

- The proposals will have an overbearing impact on the amenity and views of nearby residents.
- Loss of trees will be harmful to the appearance of the Conservation Area.

These matters are addressed in section 6 of this report.

6.0 Planning Consideration Key Issues

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

6.2 Principle of development

6.2.1 The principle of re-developing the site has already been clearly established given that the site has extant consents, both originally allowed on appeal, for two four storey detached buildings comprising a total of six flats.

6.2.2 Since the time of those decisions the Core Strategy has been adopted and the government has introduced a number of new planning measures including re-defining previously developed land in PPS3. There are therefore some additional planning considerations to take into account.

6.2.3 The additional requirements introduced by the Core Strategy policies, including the delivery of family housing and sustainable development, have been fully addressed by the revisions to the scheme. The only policy to which the proposals are considered not in compliance with in the Core Strategy are the minimum housing densities. An additional unit would have to be provided to meet the minimum 50 d.p.h. required in medium accessible areas. However, having regard to the Conservation Area location, it is not considered appropriate to achieve this level of density on this site.

6.2.4 The commencement of development on the scheme at the rear of No 6 effectively invalidates any claim that the proposals represent what is referred to as 'garden grab' and therefore, consistent with the judgement of independent Inspectors on two separate occasions, the principle of re-developing the site in the manner proposed is accepted.

6.3 Impact on the character and appearance of the Conservation Area and the setting of listed buildings.

6.3.1 The proposals have a similar height, scale and massing to the form of development already permitted on the site(s). The main changes are; the unbroken terrace form, which is considered to be more respectful to the Cranbury Terrace and Rockstone Lane layouts than two detached buildings, and the significantly improved layout and external design by reason of the removal of the integral garage and removal of the need for a series of retaining walls to the site frontage.

6.3.2 The changes in levels mean that buildings of this height and scale will have an impact on the character of the Conservation Area and this has formed the basis of previous reasons for refusal which the Council has failed to substantiate on two previous appeals.

6.3.3 Having regard to the material considerations of the extant consents and appeal decisions it is considered that this proposal would be more appropriate and acceptable in terms of its impact on the character and appearance of the Conservation Area and the setting of listed buildings.

6.4 Loss of trees & ecological issues

6.4.1 The trees identified to be lost have already been agreed to be felled on previous permissions. Whilst of some amenity value as a group, none of the individual trees are of merit individually and are in generally poor condition. The loss of the trees will be compensated for by replacement planting including additional planting along the site frontage. This will re-introduce an 'avenue' of trees along the Rockstone Lane frontage. This is supported by the council's Ecologist as 'linear' tree belts provide attractive foraging for the Bat species known to be present at nearby Asylum Green.

6.4.2 Other ecology issues include ensuring the works do not interfere with any protected species have been covered by condition as the ecologist is satisfied that this is possible and nothing has been found on the site that would prevent development proceeding.

6.5 Car parking and highway safety

6.5.1 The site provides on site parking and turning to the adopted standards of the Development Plan. A parking permit scheme and marked out parking bays on the southern side of Rockstone Lane is in place for existing residents of Rockstone Lane to which future occupiers of the houses would not be entitled. The northern side of Rockstone Lane has double-yellow lines. The proposals make use of an existing 5m wide access with dropped kerb into the site and would not result in the loss of any of the existing marked out parking-bays. There are no objections raised to the proposals by the Council's highway officers.

6.6 Impact on nearby residential occupiers

There will be a visual impact on neighbours with the development of dwellings of this scale. However, the outlook and privacy distances between units to the front and rear are achieved and appeal decisions for similarly scaled buildings have identified that the proposals do not have an 'overbearing' or 'harmful' impact.

7.0 Summary

7.1 The site currently has the benefit of planning consent for six flats in two detached buildings. The current scheme for three houses provides a similar scale and massing of development but delivers family housing in a terraced form. The layout and design are considered to be an improvement on previously approved schemes and whilst there will undoubtedly be an impact on the Conservation Area this has been adjudged not to be harmful. Car parking, amenity space, cycle and refuse storage are all provided to or in excess of minimum standards. The delivery of family housing rather than flatted development in this location is supported.

8.0 Conclusion

8.1 That subject to appropriate conditions planning permission should be granted.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

[1a, 1b, 1c, 1d, 2b, 2c, 2d, 4jj, 5c, 5d, 6c, 6i, 7a, 7b, 7e, 7g, 7k, 7m, 9a, 9e, 10a, 10b]

AA for 21/12/2010 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

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

Reason:

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

02. APPROVAL CONDITION - Samples details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a detailed schedule and/or samples of the following;

- Bricks for the dwelling and front boundary wall;
- Rainwater goods,
- Vents and ducts;
- Windows and doors

The hard landscaping including the steps to the front of the building;
and
Design of the railings to the front of the buildings.

Shall be submitted to and be 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

03. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. the proposed finished ground levels or contours and the materials to be used for the car parking layouts; other pedestrian access and circulations areas including steps
- ii. planting plans; written specifications for new tree planting (a two-for one basis unless site circumstances dictate otherwise) and the schedules of other soft landscaping including species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any external lighting
- iv. details of all boundary treatment, including the heights of all walls and the materials to be used for the new and repaired walls, and
- v. a landscape management scheme.

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 hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

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

04. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

The external amenity space(s) serving the dwellings hereby approved, and pedestrian access to it, shall be made laid out and made available prior to the first occupation of any of the dwellings hereby permitted and shall be retained with access to it at all times for the use of the occupiers of the houses.

Reason:

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

05. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before any dwelling is first occupied full elevational details of facilities shown to be provided for the storage and removal of refuse from the premises shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes and no bins associated with the dwellings shall be stored or placed outside the approved facility except on collection day.

Reason:

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

06. APPROVAL CONDITION - Cycle parking [Pre-Occupation Condition]

Prior to the first occupation of the dwellings the cycle storage facilities shown on the approved plans shall be provided and made available for use and thereafter retained and maintained for that purpose.

Reason:

To accord with sustainable transport policy aimed at providing a choice of travel mode available for the staff of the premises by enabling adequate provision of a facility which is likely to reduce the amount of vehicular traffic on existing roads.

07. 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.

08. 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.

09. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified Code For Sustainable Homes certification body.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

10. APPROVAL CONDITION - Renewable Energy - Micro-Renewables (Pre-Commencement Condition)

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 CO2 emissions [15% as required in core strategy policy CS20] 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 CO2 emissions of the development [15% as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development 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).

11. APPROVAL CONDITION - Archaeological work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

12. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]

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

Reason:

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

13. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

- Class A (enlargement of a dwelling house), including a garage or extensions,
- Class B (roof alteration),
- Class C (other alteration to the roof),
- Class D (porch),
- Class E (curtilage structures), including a garage, shed, greenhouse etc.,
- Class F (hard surface area)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

14. 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 to be retained on 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 shall be no burning of materials or other fires on site.

Reason:

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

15. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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.

16. 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.

17. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

18. APPROVAL CONDITION - Ecological Survey [Pre-Commencement Condition]

Prior to development taking place, including site clearance, the details and scope of an ecological survey, which shall include a wildlife mitigation statement incorporating appropriate protected species survey, ecological impact assessment, and proposals for wildlife mitigation and enhancement, shall be agreed in writing with the Local Planning Authority. Such report shall include a timeframe for the survey to be undertaken to avoid disturbance of protected species during periods of hibernation.

Before any works start on site the agreed survey shall be carried out on the site by a suitably qualified individual/organisation, at the expense of the developer and the results of that survey shall be evaluated in the context of the importance of the site and any associated species found.

At least 21 days before works start on site (or as otherwise agreed in writing by the Local Planning Authority) the survey findings and evaluation shall be made available to the Local Planning Authority.

If presence is confirmed the agreed appropriate mitigation and compensation measures shall then be undertaken to ensure that the proposed development does not reduce the ecological interest of the site and these measures shall be agreed in writing with the Local Planning Authority. If protected species are found, the advice of Natural England shall be sought and taken into account and adhered to.

Reason:

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity as the site is potentially of ecological interest.

Application 10/01214/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE1	New Development in Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains
H1	Housing Supply
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)
Planning Policy Statement: Planning and Climate Change - Supplement to
Planning Policy Statement 1 (December 2007)
Planning Policy Statement: Eco-towns - Supplement to Planning Policy
Statement 1 (July 2009)
PPS3 Housing (November 2006)
PPS5 Planning Policy Statement 5: Planning for the Historic Environment
(March 2010)

Application 10/01214/FUL

Appeal Decision

Appeal Decision

Site visit made on 23 June 2009

by Christopher Thomas BSc(Hons) Dip

TP MRTPI

The Planning Inspectorate

4/11 Eagle Wing

Temple Quay House

2 The Square

Temple Quay

Bristol BS1 6PN

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an Inspector appointed by the Secretary of State

for Communities and Local Government

Decision date:

16 July 2009

Appeal Ref:APP/D1780/A/09/2101524

Land rear of 7 Cranbury Terrace, Bevois Valley, Southampton, SO14 0LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Trendloop Limited against the decision of Southampton City Council.
- The application (Ref.08/01366/FUL), dated 10 September 2008, was refused by notice dated 2 December 2008.
- The development proposed is erection of 3 no. two bed flats, with pedestrian access from Rockstone Lane.

Decision

1. I allow the appeal, and grant planning permission for erection of 3 no. two bed flats, with pedestrian access from Rockstone Lane at land rear of 7 Cranbury Terrace, Bevois Valley, Southampton, SO14 0LH in accordance with the terms of the application, Ref. 08/01366/FUL, dated 10 September 2008 and the plans and drawings submitted with it subject to the conditions set out in the Annex to this decision.

Main issue

2. I consider the main issue in this appeal is whether the proposal would enhance or preserve the character or appearance of the Cranbury Place Conservation Area and its effect on the setting of adjacent listed buildings.

Reasons

3. Whilst the appeal site lies at the rear of No.7 Cranbury Terrace it bounds onto the south side of Rockstone Lane which forms part of the northern boundary of the Cranbury Place Conservation Area. Nos 4-11 Cranbury Terrace are Grade 2 listed buildings. The Southampton (Cranbury Terrace-Rockstone Lane) Tree Preservation Order, 1964 covers trees within the appeal site.

4. The land within the appeal site is generally at a higher level than Rockstone Lane. For the length of the north side of Rockstone Lane, but only on the south side of the road from beyond a warehouse building towards the junction with Onslow Road, the street is characterised by terraces of modest sized properties erected in the Victorian era. On the east side of the appeal site is an access and turning area which serves the rear of adjacent properties. The appeal site, together with the land to the rear of Nos.4, 5 and 6 Cranbury Terrace acts as a visual backdrop to the rear of the frontage properties whilst the combined area primarily forms part of the street scene of Rockstone Lane.

5. The development plan for the area includes saved policies SDP1 (Quality of Development), SDP7 (Context), SDP9 (Scale, Massing and Appearance), HE1 (New Development in Conservation Areas) and HE3 (Listed Buildings) of the City of Southampton Local Plan Review (March 2006) [LP]. The Council's Residential Design Guide – making better places for living [SPD] was adopted in September 2006 as a supplementary planning document, but I do not know the extent to which it was the subject of public consultation and therefore I have given it only limited weight.

6. The Cranbury Place Conservation Area Brief (1986) [the Brief] contains an appraisal of the Conservation Area which states that its inherent character lies in its simple but dignified Georgian styled terraces. The Council aims to maintain and enhance the residential character and use of the Conservation Area. The document also sets out a brief for identified sites with redevelopment potential. One of these sites, B3, which includes the appeal land, is said to be suitable for additional residential accommodation. It indicates, however, that individual access from Rockstone Lane would not be permitted and consideration would only be given to comprehensive proposals involving common access and rationalisation of property boundaries. Despite the age of this supplementary guidance and the changes that have taken place in the conservation area since it was formulated the Council regards it as having continuing relevance and I therefore accord it a substantial degree of weight.

7. Appeal decision APP/D1780/A/1062834 allowed the erection of a new house at the rear of No.6 Cranbury Terrace. Subsequent permissions have been granted for this adjacent site by the Council, the most recent being for a similar building and use to the appeal proposal under reference 08/01367/FUL. The Council takes the view, however, that the cumulative impact of allowing the current appeal proposal, in addition to development on the adjacent site, would result in an overdevelopment of this part of the Rockstone Lane frontage. In its opinion, this would be detrimental to the Conservation Area and the setting of the listed buildings on Cranbury Terrace.

8. Whilst the elevation of the appeal site above Rockstone Lane would emphasise the proposed building's height, nevertheless I consider that its position set well back into the site would help to reduce the visual impact of this effect. Furthermore, the design of the proposed dwelling as evidenced in its height, scale and bulk reflects the character and appearance of the houses in Cranbury Terrace and similar properties throughout the conservation area. In this respect, therefore, I consider the proposal seeks to preserve and enhance the Georgian character and appearance of the Conservation Area. It also seems to me that in view of its location behind Cranbury Terrace the proposal would not harm the most important aspect of the setting of these listed buildings which is their relationship to Cranbury Place. Accordingly, the proposal complies with LP policies HE1 and HE3.

9. The Council is concerned about the relationship of the proposal to the street scene of Rockstone Lane in terms of the cumulative impact with the development which has been permitted on the adjacent site. In the light of the fact that the principle of residential development on the adjacent site has been established and that a building of similar design and in the same visual relationship to Rockstone Lane has been granted permission I consider that there would be no materially greater harm in terms of views into the Conservation Area as a result of allowing this appeal proposal. Indeed, it is my opinion that in combination with the development of the adjacent site the proposal would result in something akin to the form of comprehensive development envisaged in the Brief for site B3.

10. Although the difference in building form and appearance from the properties in Rockstone Lane would be evident in the street scene, in this case I consider the material consideration of the extant permission for the adjacent site outweighs the more general guidance in the SPD relating to design matters. For this reason I apply to this appeal site the view expressed by my inspector colleague in relation to the earlier appeal on the adjacent site that development of a house here would "strengthen the residential character of the area, enliven the street scene and provide a sensitive transition between the pattern and scale of development in the Conservation Area and the smaller scale development along Rockstone Lane."

11. In the light of this conclusion I consider that the proposal would satisfy the requirements of LP policies SDP1, SDP7 and SDP9 to respect and improve the quality of the city's built environment, not to cause material harm to the character and appearance of the area by respecting the existing layout of buildings within the streetscape and by displaying a high quality of building design.

12. In my judgement whilst the existing trees on the site have some amenity value, nevertheless, through the approval and implementation of a comprehensive landscaping scheme for the site their replacement would achieve a satisfactory outcome which in the long term would enhance the appearance of the area.

13. I have concluded on the main issue, therefore, that the proposal would preserve and enhance the character and appearance of the Conservation Area and would not harm the setting of the listed buildings. It would be consistent with LP policies SDP1, SDP7, SDP9, HE1 and HE3 and with the relevant parts of the Brief.

14. Residents of properties in Rockstone Lane have raised concerns relating to the effect on residential amenity, but I note that satisfactory separation distances would be achieved. Because the site is in a highly accessible area the lack of on-site parking space would be acceptable. The type of residential accommodation to be provided is not a matter the Council has raised objection to. Satisfactory access for emergency vehicles and personnel would be achievable. None of these other matters, therefore, has persuaded me otherwise than in accordance with the conclusion I have reached that this appeal should be allowed.

15. I have considered the list of suggested conditions put forward by the Council. I am in agreement with the Council that a period of 3 years for commencement of development is appropriate in this case in order to reduce uncertainty.

16. I agree with the appellant that details of materials have been indicated on the submitted drawings. Accordingly I have replaced the Council's suggested condition with one that requires samples to be submitted to and approved by the Council, in the interests of the appearance of the area.

17. I am satisfied that conditions relating to landscaping and boundary treatment are necessary in the interests of the appearance of the area. The provision of the amenity area and refuse storage facilities prior to occupation are required in the interests of the living conditions of future occupiers. A condition requiring the submission and approval of bicycle storage details is necessary in the interests of appearance of the site. I have amended the suggested condition to delete reference to the storage of ancillary equipment which it seems to me is inappropriate.

18. Conditions relating to access and storage for construction purposes and hours of working during the construction operations are necessary in order to prevent harm to the living conditions of residents in Rockstone Lane. I agree with the appellant that the suggested condition regarding wheel cleansing is impractical and potentially unenforceable.

19. I also agree with the appellant that the suggested condition regarding the incorporation of sustainable design measures would be unnecessary given the control over such matters exercised under the Building Regulations.

20. Conditions securing the carrying out of an archaeological investigation and the implementation of arboricultural protection measures during the course of construction are necessary to ensure both matters are adequately addressed.

21. I agree with the appellant that a condition restricting bonfires on site would be unenforceable and that the matter can be dealt with in any event under other

legislation. The suggested conditions regarding the carrying out of a land contamination assessment and the use of uncontaminated material on site have been rendered unnecessary by the appellant's study which has been accepted by the Council as demonstrating that the development of the site does not present any risk to human health.

22. I have taken into account all other matters raised in the representations but for the reasons I have given above this appeal has been successful.

Christopher Thomas
Inspector

Annex

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) No building works shall be commenced until samples of all bricks, tiles and other materials to be used in the external elevations have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas, shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall 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 its 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.
- 4) Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the local planning authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

5) The external amenity area serving the development hereby approved, and the pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

6) Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the local planning authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The refuse and recycling storage facilities shall be carried out in accordance with the approved details prior to first occupation of the development and shall be retained whilst the building is used for residential purposes.

7) Prior to the first occupation of the development details and plans of a covered, enclosed and secure bicycle parking compound (including elevational and material details) shall be submitted to and approved in writing by the local planning authority. The bicycle compound, which shall provide for a minimum of 3 bicycles, shall be carried out in accordance with the approved details prior to first occupation of the development and shall not be used other than for the purposes for which it is provided.

8) Prior to works commencing on the site details of the means of access for construction and demolition of the structures on the site shall be submitted to and agreed with the local planning authority. Such details shall indicate any areas of equipment and material storage during the work period and any measures to limit the possible nuisance effects on surrounding and neighbouring residential properties.

9) 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 0800 hours to 1800 hours (8.00 am to 6.00 pm)
Saturdays 0900 hours to 1300 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.

10) 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 before the development commences.

11) No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been

submitted to and approved in writing by the local planning authority.
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;

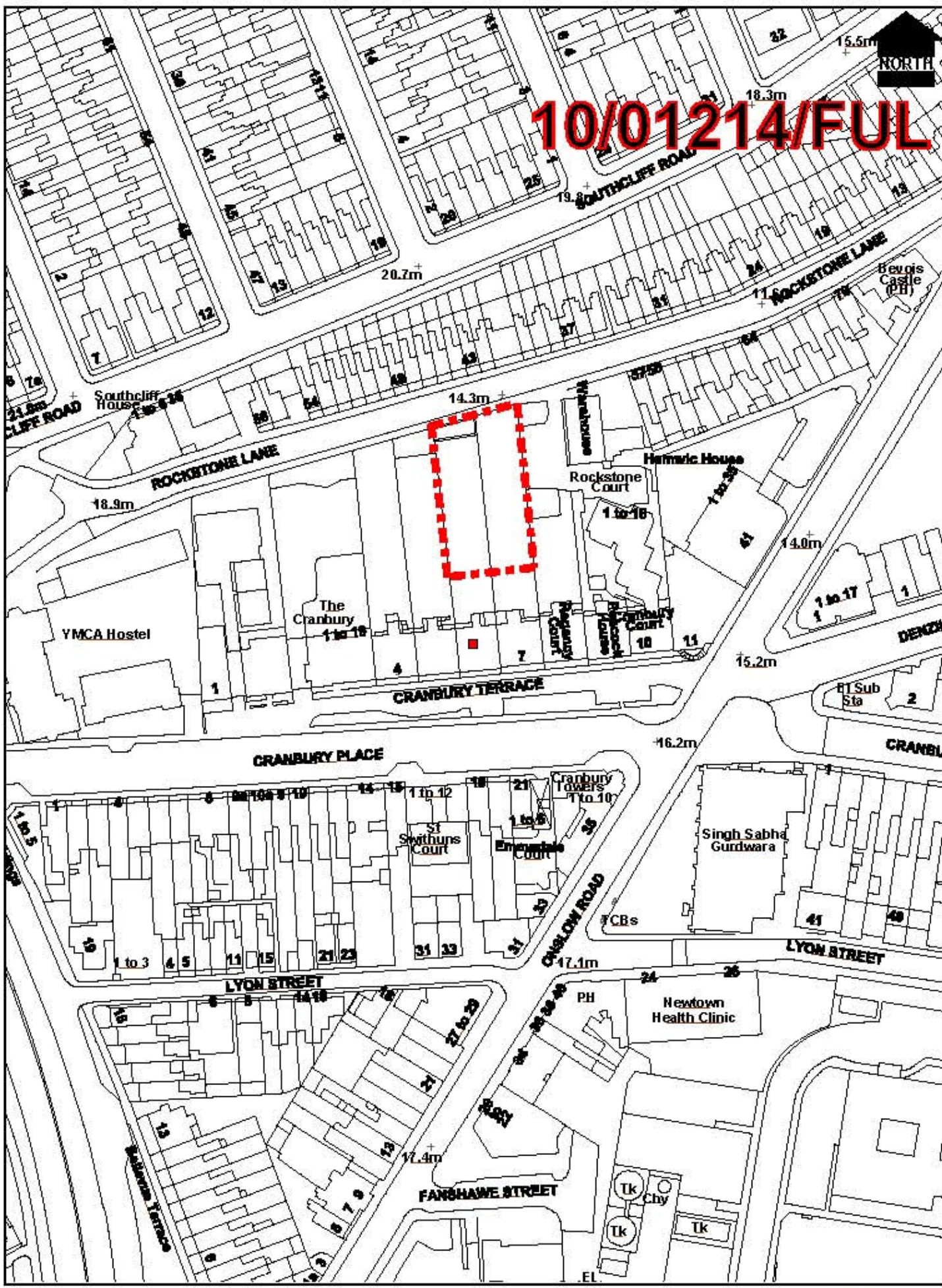
Identification of individual responsibilities and key personnel;

Statement of delegated powers;

Timing and methods of site visiting and record keeping, including
updates;

Procedures for dealing with variations and incidents.

10/01214/FUL



Scale : 1:1250

Date 09 December 2010

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