

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way (EAST) Panel - 1 March 2016**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 70 Cobden Avenue			
<b>Proposed development:</b> Redevelopment of the site. Demolition of the existing building and erection of 7 x dwellings (3 x four-bedroom, 2 x three-bedroom houses, 2 x two-bed flats) with associated access, parking and landscaping (revised resubmission)			
<b>Application number</b>	16/00083/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	15.03.2016	<b>Ward</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Request by Ward Member and more than five letters of objection have been received	<b>Ward Councillors</b>	Cllr White Cllr Fuller Cllr Inglis
<b>Referred by:</b>	Cllr Fuller	<b>Reason:</b>	Road Safety

<b>Applicant:</b> Southcott Homes (Fareham) Limited	<b>Agent:</b> Neame Sutton Ltd
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP5, SDP7, SDP9, SDP10, SDP12, H1, H2, H7, NE4 of the City of Southampton Local Plan Review (as amended 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Application 15/01030/FUL Site Plan

## **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- ii. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
- iv. The submission and operation of a Management Plan for the communal open space area, in the interests of local biodiversity and the character of the area;
- v. Secure contributions towards the Solent Mitigation Disturbance Project in line with Policy CS22 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);

2. In the event that the legal agreement is not completed by 1<sup>st</sup> June 2016 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement; and

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

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

- 1.1 The site lies within the ward of Bitterne Park, fronting the south side of Cobden Avenue with the eastern part of the site adjacent to Midanbury Lane. The character of the local neighbourhood is a suburban leafy residential area with a mixed style of housing. The properties fronting Cobden Avenue are large residential properties in spacious plots, some with development in the rear garden. Historically in the local area, larger properties in large grounds have been divided up into smaller housing plots and also to create other streets, such as Tamarisk Gardens.
- 1.2 There is a large wooded area to the north on the opposite side of Cobden Avenue known as 'Deep Dene Recreation Ground'. There are significant changes to land levels within this area, where the land steeply rises to the north and east along Cobden Avenue and Midanbury Lane and also falling away to the south.

- 1.3 The site itself consists of a large two storey dwelling with a very large garden, sitting in a plot with an area of 0.4 ha. The large garden extends to the east behind the gardens of 72 to 76 Cobden Avenue and to the rear gardens of the properties in Tamarisk Gardens and Midanbury Lane to the south and east. The southern section of the site steeply slopes to the south and is densely covered by undergrowth and mature trees where this remote part of the garden has been left undisturbed to return back to nature. This area of the garden is known to have a high level of biodiversity, providing habitats for wildlife such as badgers.

## **2. Background and Proposal**

- 2.1 This application follows the withdrawal of application 15/01030/FUL which sought to redevelop the site to provide 10 x three-bed dwellings (see the site plan attached to **Appendix 2**). The design of the proposal has since evolved in terms of reducing the number of dwellings and changing the layout of the development to respond to the physical constraints of the site, including the varying land levels, protected trees, and protected wildlife.
- 2.2 The proposal now seeks to replace the existing dwelling and redevelop the its garden with a total of seven two-storey properties (3 x four-bed, 2 x three-bed houses, 2 x two-bed flats). The main access way for the development will be formed from Cobden Avenue through the location of the original dwelling. This would allow a refuse collection vehicle to enter and turn on-site. The development will be served by 17 parking spaces.
- 2.3 The site provides two large detached four-bed dwellings (plots 1 and 2) on the frontage with Cobden Avenue served by an inset access. A total of four buildings will be built behind the Cobden Avenue frontage creating a small cul-de-sac with no access onto Midanbury Lane. On the western section of the site lies three detached properties, including one four-bed dwelling and two three-bed dwellings all served by garage parking (plots 3 to 5). A single detached building is sited on the eastern section of the site containing two two-bed flats served by four parking spaces (plots 6 and 7).
- 2.4 The undeveloped area to the southern and eastern section of the site will be retained as a natural, well-vegetated area to be maintained by a private management company. The steeply sloping land in the southern section of the site, consisting of the gardens of plots 4 and 5, will be raised up in height to provide shallower, sloping gardens and secured with a large retaining wall at the end. Extensive planting will be provided elsewhere in the site as part of a comprehensive landscaping scheme, including a landscape buffer between the boundary with 72 to 76 Cobden Avenue.
- 2.5 Since the submission of this application, the applicant will be applying the further minor improvements to the development as set out below:
- The access way has been closed off by a barrier (1m high brick wall) to the west of plot 1 across the frontage of 70 Cobden Avenue.
  - The width of the landscape buffer adjacent to the rear 72 Cobden Avenue has been widened whilst the access has been narrowed to 3.1m, although still allowing for a passing place at the entrance into the site. The planting types will be further agreed by condition to increase the level of screening between

the access way and the garden.

- The floor plans have been amended for plots 6-7 to correctly show no windows in the north elevation facing 72-76 Cobden Avenue.

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

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.
- 3.4 Policy CS4 acknowledges that new homes will generally need to be built at higher densities. New dwellings coming forward on suitable windfall sites will contribute towards delivering the Council’s strategic target for housing supply. The opportunity to modernise an existing building whilst providing a mix of housing accommodation should be given due consideration when balancing all the other material considerations.
- 3.5 Policy CS5 acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land, however, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 3.6 Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council’s approach to car and cycle parking standards for new developments in the city, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012).

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

- 4.1 This application follows the withdrawal of application 15/01030/FUL which sought to redevelop the site to provide 10 x three-bed dwellings (see the site plan attached to **Appendix 2**).

## **5. Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (26.01.2016). At the time of writing the report **8** representations (**6** objections including a referral by a local ward councillor) have been received from surrounding residents. The following is a summary of the points raised:

### **5.1.1 The access onto Cobden Avenue would adversely affect road safety given the number of dwellings and busy nature of the road**

#### Response

The highway officer is satisfied that the access and parking arrangement would not adversely affect highway safety. This is subject to the minor adjustments advised by them to the layout of the main access and the circulation of the internal road layout.

### **5.1.2 Loss of privacy, light and outlook to neighbouring occupiers**

#### Response

The privacy, light outlook of the neighbouring occupiers will be maintained given the separation distances achieved are in excess of the standards set out in the Residential Design Guide; the orientation of the proposed dwellings avoid direct overlooking and; the screening from the undergrowth and trees adjacent to the boundaries. The development, therefore, meets the Council's residential standards designed to protect neighbouring amenity.

### **5.1.3 Loss of open views across garden of the site**

#### Response

The views are not protected and this issue does not constitute a material consideration. That said, the development retains the important amenity trees and a large natural open area, ensuring that the open and positive character of the site is not harmed.

### **5.1.4 Overdevelopment of the site and out of character with the surrounding area which consists of mainly larger detached homes. There is insufficient parking provision due to high level of car ownership leading to cars parking around the entrance**

#### Response

A good balance has been struck between the level of development in response to respecting physical features, the character of the area and the relationship between the neighbouring properties. The developer has made a significant compromise in reducing the number dwellings from 10 to 7, where there will only 2 properties fronting Cobden Avenue and only 4 buildings behind the Cobden frontage itself. The layout of the development will create a spacious cul-de-sac form of development. Whilst the 4 of the properties will have less than 4 bedrooms, it is important to provide a strong mix of housing types to provide housing for all income groups in society other than those that can afford larger homes. The character in the surrounding area is mixed in terms of the size of the homes and, therefore, the smaller units would not be out of character. The

development will provide 17 parking spaces which meets the maximum parking standards for this location, providing an excess of 2 parking spaces per dwelling.

#### 5.1.5 **Loss of habitat for protected species and removal of trees and landscaping**

##### Response

The Ecologist is satisfied that the layout of the development will preserve the habitats of protected species whilst the full ecological impacts can be mitigated using conditions. The natural area outside the main development area can be retained to serve as extensive habitat to the wildlife. There will be a number of trees removed however the Tree Officer is satisfied in principle that the most important trees in terms of visual amenity as well as the protected trees will be retained and protected.

##### **Consultation Responses**

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

##### Comments

The proposed development is acceptable in principle but there are some detailed design issues to be addressed.

The sightlines shown comply with standards set out in Manual for Streets standards. The access is off Cobden Avenue, which is a busy classified (A Class) highway, subject to high volume of traffic being a major link route to the city centre area. Therefore, the sightlines of 70 metres should be achieved.

The tracking for the refuse vehicles shows that with the proposed main access, the vehicle would have to cross both lanes of traffic in order to get in and out of the site. The access could be widened to allow for better manoeuvring space but this could encourage vehicles entering and exiting the site at quicker speeds. Also, it would compromise the flow and priority for pedestrians travelling along Cobden Avenue. The suggested solution would be to widen the access in terms of dropped kerbs but convert the proposed bell-mouth access to a vehicular crossover.

Also, the refuse vehicle tracking looks very tight to the parked cars within the site and also looks like it overruns the buildouts just before the shared surface/homezone area. Some additional buffer space should be provided for the refuse vehicle.

The parking spaces needs to be standard dimensions (2.4m x 5m) and some do not benefit from the required 6m aisle width or reversing space behind vehicles.

##### Officer Response

At the time of writing this report, the applicant is in the process of amending the plans address the highway officer's comments. The panel will be verbally updated at the meeting with regards to the changes.

5.3 **SCC Housing** – No objection

Comments

As the scheme comprises of 6 dwellings net (7 proposed and 1 existing) the affordable housing requirement from the proposed development is 20% (CS15-sites of 5-14 units = 20%). The affordable housing requirement is therefore 1 dwelling (1.2 rounded down).

5.4 **SCC Sustainability Team** – No objection subject to conditions for energy and water efficiency to ensure compliance with policy CS20.

5.5 **SCC Design** – No objection

5.6 **SCC Environmental Health (Pollution & Safety)** - No objection subject to conditions

5.7 **SCC Ecology** – No objection subject to conditions

Comments

The updated ecology report, January 2016, confirms the presence of active badger setts on the site and makes a number of recommendations in respect of mitigating impacts which I believe are appropriate.

The revised layout moves the buildings away from the vegetated bank on the southern edge and retains a significant area of amenity grassland which will help to reduce the impact on the badgers. I am therefore of the view that this, combined with the mitigation measures detailed in the updated ecology report will enable adverse impacts on the badgers to be avoided.

The ecology report also established that there are no bat roosts present within the existing buildings or trees on the site. It did, however, identify bat roosts in buildings close to the site. It is important therefore that the design of exterior lighting minimises light spill onto tree canopies.

I have concerns about the submitted landscaping proposals which appear to indicate that the shrub vegetation along the steep bank on the southern side of the site is to be removed and replaced with grass turf. This is not acceptable as it would remove all the cover from around the badger setts making them vulnerable to interference from people. The shrub and tree cover around the badger setts should therefore be retained and if necessary enhanced with native tree and shrub planting.

I am also concerned that the landscape plan fails to show the wildflower enhancements detailed in the ecology report. The landscape plan should therefore be revised to incorporate mitigation measures detailed in the ecology report.

Response: A condition is recommended to secure a revised landscape scheme to address the Planning Ecologist comments.

5.8 **SCC Trees** – No detailed comments were received at the time of writing the report, however, the tree officer is in agreement with the proposal. The panel will be verbally updated at the meeting, including any necessary conditions.

5.9 **Southern Water** – No objection

5.10 **SCC Flood Risk team** - No objection subject to conditions

Comments

The sustainable drainage proposals for the site include limiting the peak runoff rate to 5 l/s with on site attenuation provided through the use of underground cellular storage which are acceptable. A maintenance schedule has been provided for the different elements of the system but the arrangements for who will be responsible for the management of the system have yet to be fully finalised (it is indicated that it will be the responsibility of either the private homeowners or a management company).

If the case officer is minded to approve the application I would advise that a suitable condition is applied to ensure that there will be clear arrangements in place for the ongoing management and maintenance of the system over the lifetime of the development.

5.11 **SCC Archaeology** - No objection subject to conditions

Comments

The application site was formerly known as 'Stanhoe', a large Victorian house built between 1867 and 1896, and partially demolished between 1955 and 1972. The grounds were landscaped, and historic maps show that there was a tennis court, and water features within the grounds. These were presumably removed when the grounds were sub-divided to allow for the construction of Nos 72-76 Cobden Avenue.

There is limited archaeological information from the surrounding area. The Historic Environment Record contains a record of some flint tools being found in Deepdene (opposite the application site) in 1996, but the immediate area has undergone little in the way of archaeological survey, and there is the potential for archaeological material to be destroyed by the proposals.

If planning permission is granted it is recommended that the groundworks are subject to an archaeological watching brief, and that the conditions below are attached to any permission.

**6. Planning Consideration Key Issues**

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

- Principle of Development;
- Impact on Character and Amenity and;
- Impact on Highway Safety.

6.2 Principle of Development

6.2.1 Whilst residential gardens are not previously developed land in planning terms, the National Planning Policy Framework requires the Council to set its own policies to resist inappropriate development in rear gardens where harm is caused



to the character of the local area (para 53 refers). The Council does not have adopted policies which resist the use of gardens for new development and, therefore, the site should be assessed on the basis of the context and character of the local area and as such any inappropriate development proposals in rear gardens would be refused.

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

### 6.3 Impact on Character and Amenity

- 6.3.1 The developable area of this site is highly constrained by extent of the sloping levels, the extensive spread of large trees and undergrowth, and the presence of badger sett. As a design solution, the developer has focused the layout of the built development along the Cobden Avenue frontage and centrally within the more open and flatter section of the site. A retaining wall is proposed to separate the gardens of plots 4 and 5 from the undergrowth and the steep slope adjacent to the southern and eastern boundary, whilst siting just one building within the eastern part of the site (plots 6-7), to leave sufficient space around the cluster of large trees to be retained and the known area of the badger habitat and foraging.
- 6.3.2 Historically in the local area, larger properties in large grounds have been divided up into smaller housing plots and also to create other streets including Tamarisk Gardens. For example, there was a backland development permitted within the rear garden at 58 Cobden Avenue (ref no. 14/01908/FUL). As such, the site is uniquely large in relation to the context.
- 6.3.3 Given the large size of the garden of the site, there is scope to make more efficient use of this residential garden to provide decent family homes for the local area whilst ensuring the new development respects the spacious character of the area. The revised layout now responds much better to the character of the surrounding context given that the density of the development has been lowered from 6 to 4 buildings and also the significant reduction in the coverage of the site in terms of the built form. Furthermore, the retention of the significant mature trees and additional landscaping, will provide a spacious cul-de-sac development and an attractive verdant setting. As such, it is considered that the proposed level of development would not be out of character with the established pattern of development in the surrounding area.
- 6.3.4 The design and appearance of the dwellings are considered to be well proportioned and respect the other dwellings along the Cobden Road frontage. The design and spacious plot widths of the replacement dwellings fronting Cobden Avenue are considered to relate well to group of the existing dwellings at 72 to 76 Cobden Avenue.

- 6.3.5 The spacing of the development from the site boundaries ensures that the amenity of the adjoining properties will not be adversely affected. The dense tree and undergrowth cover will also act as additional mitigation to the gardens of neighbouring properties. The side to gable separation distance of 15m between the north elevation of plot 6-7 and the rear of 72-74 Cobden Avenue will be adequate to protect the outlook and light of the neighbouring occupiers. The overlooking from Plot 5 will be at an oblique angle, whilst the back-to-back separation distance of 36m between Plot 4 and High Point, to the south, will adequately protect the privacy of the neighbouring occupiers. The 37m back-to-back distance between Plot 3 and 66 Cobden Avenue, and at an oblique angle, will protect the privacy of the neighbours, whilst the most useable and private area of the neighbour's garden will not be directly overlooked and will also continue to be screened by the existing large trees.
- 6.3.6 The impact on the garden of 72 Cobden Avenue from vehicles using the new access way will be further mitigated by using a brick, boundary wall. This would be a more solid and robust boundary treatment to protect the neighbours from noise disturbance. The access way can be stepped further away by 2m from the garden boundary, with overall gap of 3.3m, to form a substantial landscaping buffer. Furthermore, returning the brick wall boundary treatment to the rear gardens of 72-74 Cobden Gardens would mitigate the noise impact of the use of car parking spaces.
- 6.3.7 The proposed dwellings themselves are considered to provide a decent residential environment for the future occupiers. The main garden serving plot 3 will be partly shaded by the existing tree on the western boundary, however, the occupiers will have access to a decent sized area of garden to the rear of the property which will receive a reasonable level of direct sunlight during the mid-morning to mid-afternoon period. There will be over-shadowing of the garden serving plot 6 by the existing tree to the east, however, the occupiers will have access to the recreational space to the south as well as the large garden space serving the flats.

#### 6.4 Impact on Highway Safety

- 6.4.1 The site relies on vehicular access onto Cobden Avenue from an established access, which will be significantly improved to be suitable for the increased vehicular activity associated with the development. The access via the dropped kerb in front of 68 Cobden Avenue will be closed off from by a 1m high brick wall. The development will provide 17 parking spaces which meets the maximum parking standards for this location, providing an excess of 2 parking spaces per dwelling for visitors. The highway officer has requested minor adjustments to the internal road layout to accommodate the on-site turning of a SCC refuse collection vehicle.
- 6.4.2 Whilst the concerns of local residents with regards to the safety of a more intensive access onto Cobden Avenue during busy peak periods are noted, the highway officer is satisfied that the access and parking arrangement would not adversely affect highway safety. This is subject to the minor adjustments to the layout of the main access and the circulation of the internal road layout.

## 6.5 Other Matters

- 6.5.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £174 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).
- 6.5.2 The contributions can be secured through the S106 agreement subject to the panel granting a resolution to support the scheme and delegating powers to officer's to complete the S106.

## 7. Summary

- 7.1 In summary, the proposed development has made more efficient use of the large garden at the existing property to provide decent family housing in a spacious and attractive leafy setting. The layout of the development will respect the character of the surrounding area, the amenity of the neighbouring occupiers, the important environmental and physical features of the site whilst protecting and maintaining the diverse wildlife habitat, and also providing an improved and safe access onto Cobden Avenue. The proposed development will positively contribute towards meeting city's demand for family housing.

## 8. Conclusion

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

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

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

1 (a), (b), (c), (d), 2 (b), (d) 6 (c), 7 (a)

### **SB for 01/03/16 PROW Panel**

## PLANNING CONDITIONS

### **01. Full Permission Timing Condition**

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

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

## **02. Details of building materials to be used**

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

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

## **03. Cycle storage facilities**

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

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

## **04. Unsuspected Contamination**

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

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

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

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

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

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

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

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

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

- i. hard surfacing materials;
- ii. a scheme for external lighting;
- iii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iv. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (unless circumstances reasonably dictate otherwise);
- v. The area of front boundary hedge to be removed to facilitate the widened site access shall be replaced within the next planting season by a species to be first agreed in writing by the Local Planning Authority. The remainder of the existing front boundary hedge shall be retained.
- vi. details of any proposed boundary treatment, including retaining walls, the proposed levels of the amenity spaces, and a suitable enclosure to close off the access way to the west of plot 1 leading onto Cobden Avenue;
- vii. the area of existing planting in the southern and eastern section of the site to be retained for purposes of habitat protection;
- viii. a landscape management scheme.

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

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

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990. Other reasons include to protect highway safety, enhance biodiversity and protect the habitats of protected wildlife species.

## **08. Refuse & Recycling**

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

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

## **09. Construction Management Plan**

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

## **10. Wheel Cleaning Facilities**

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

Reason: In the interests of highway safety.

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

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

## **12. Energy & Water**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission

Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

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

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure that the archaeological investigation is completed

### **18. Residential - Permitted Development Restriction (Performance Condition)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class F (hard surface area)

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

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

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

Reason: To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

### **20. Ecological Mitigation Statement**

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted 70 Cobden Avenue; Extended Phase 1 & Phase 2 Chiropteran, Barn Owl and Nesting Bird Building, Chiropteran Monitoring and Badger Surveys. January 2016. Ref HEA264a2016; with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

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

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

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



Reason: In the interests of local ecology and biodiversity.

## **22. Approved Plans**

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

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

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

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

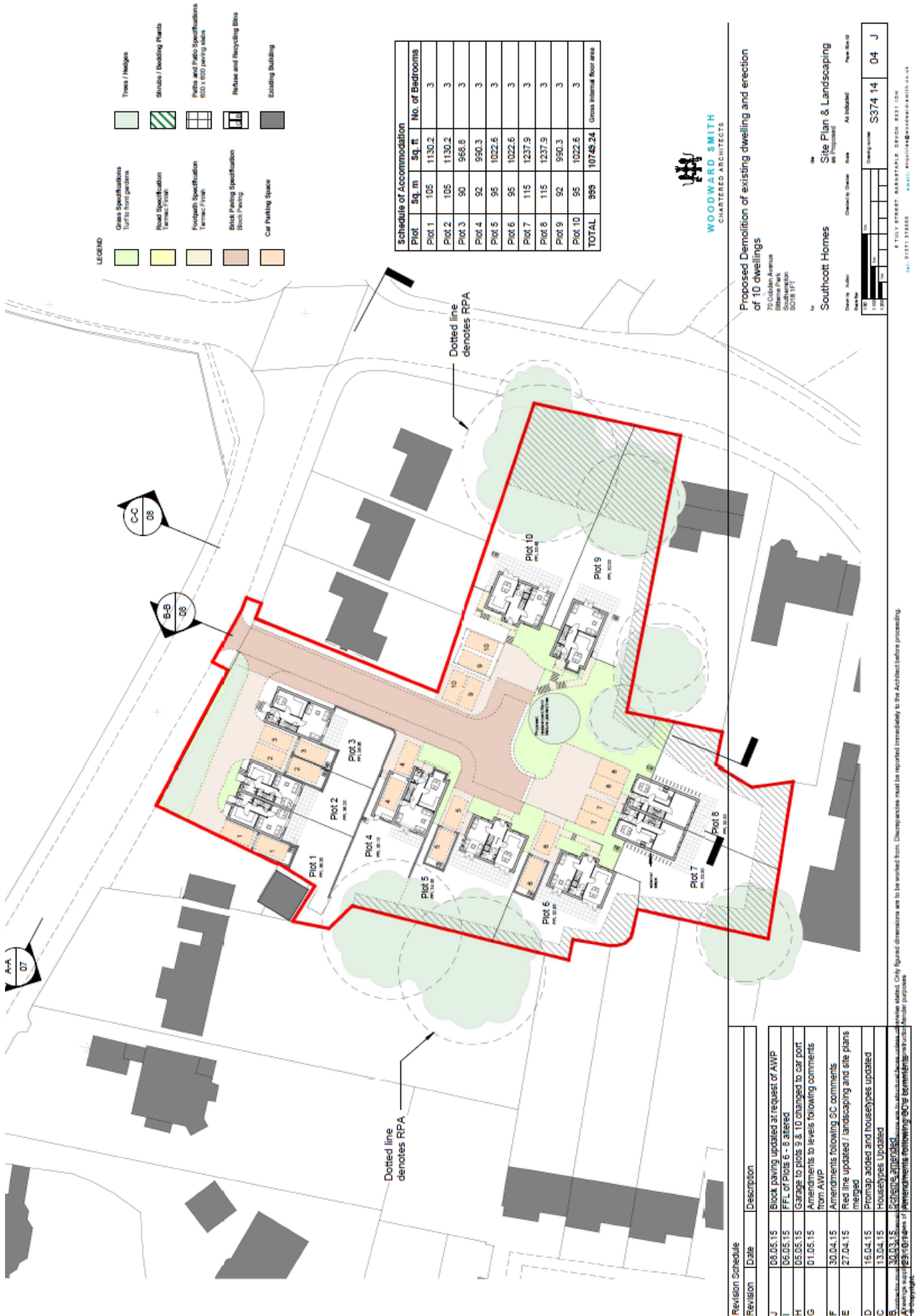
SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety and Security
SDP12	Landscaping
NE4	Protected Species
H1	Housing supply
H2	Previously developed land
H7	Residential environment

Supplementary Planning Guidance

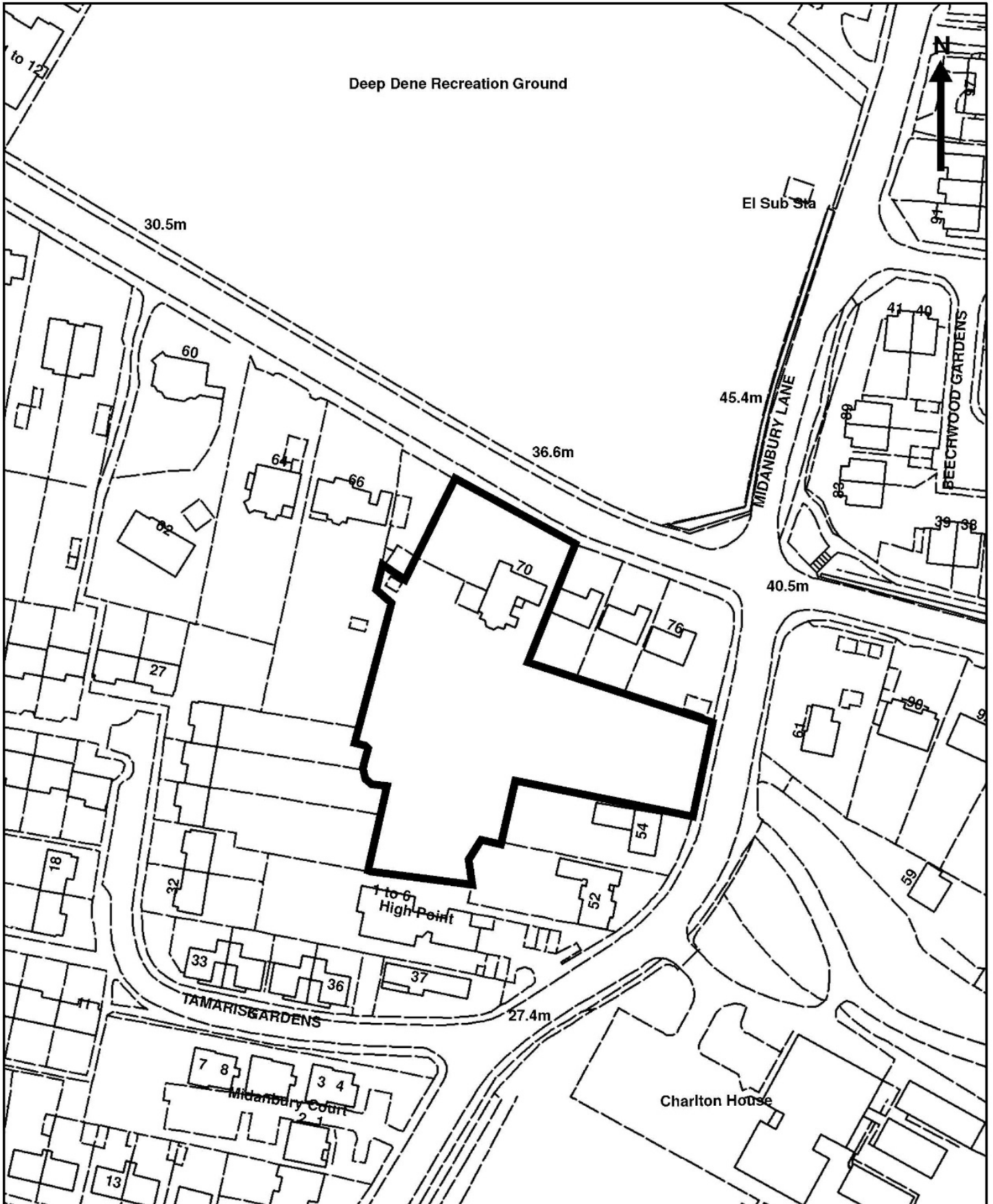
Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

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



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Scale: 1:1,250

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