

Planning and Rights of Way Panel 20th February 2018
Planning Application Report of the Service Lead Infrastructure, Planning and Development

Application address: 9 Bassett Green Drive, Southampton.			
Proposed development: Replacement dwelling with associated parking (Follows permission 16/01903/FUL).			
Application number	17/02561/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	27.02.2018	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Harris Cllr Harris Cllr Hannides
Referred to Panel by:	Cllr Beryl Harris	Reason:	Scale, Design, Character. Fails to take account of recent appeal decision.

Applicant: Mr Bob Toor	Agent: Ashplan
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Recommendation Summary	Delegate conditional approval
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Community Infrastructure Levy Liable	Yes
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Appendix attached	
1	Development Plan Policies
2	Planning History
3	16/01352/FUL Plans
4	16/01903/FUL Plans
5	16/01903/FUL Appeal Decision
6	Comparison Plan

Appendix attached	
1. Development Plan policies	2. Planning History
3. 16/01352/FUL Plans	4. 16/01903/FUL Plans
5. 16/01903/FUL Appeal Decision	6. Comparison plan

Reason for granting Planning 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 character of the area, the previous reason for refusal and the loss of the bungalow on site and replacement with a two storey house 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).

Paragraphs 17, 58, 60 and 64 of the NPPF, policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) policy CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and policies BAS1, BAS4 and BAS10 of the Bassett Neighbourhood Plan (June 2015).

Recommendation in full:

Delegate to Service Lead Infrastructure, Planning and Development to issue conditional approval subject to receipt of amended plans or written confirmation showing a mix of materials, predominantly red brick, rather than render as submitted and to overcome the earlier reason for refusal regarding material. A delegated refusal would follow in the event that this information is not provided within a reasonable timescale.

Background.

Planning permission was granted via appeal in April 2017 for a first floor and two storey rear extension with associated alterations to form an enlarged dwelling. The application had been recommended for approval but was refused at Panel on 10/01/2017. The current application is deemed necessary as, following discussions with contractors, the applicant considered it would be more efficient to replace the existing building rather than extend the existing one. In addition changes to the design of the roof, whereby gable ends are replaced by hipped ends along with minor changes to the external elevations, internal ground floor layout and footprint are also proposed. As such the Panel are to consider the merits of this new dwelling but should afford significant weight to the appeal decision of the recent two storey building that was found to be acceptable.

1 The site and its context

- 1.1 When considering the previous appeal the Inspector described the site and the surroundings as follows: *The appeal property is a large detached single storey, split level, extended dwelling of non-remarkable appearance. It lies within a residential area with houses, bungalows and split level properties of generally traditional design for the most part occupying spacious plots with mature landscaped gardens. Overall the locality has a pleasing and established suburban air and a spacious character.*

2 Proposal

- 2.1 The proposal is for a replacement dwelling. The new dwelling would have an almost identical footprint to the dwelling allowed at appeal in April 2017. The main difference is the roof which when viewed from the street would appear as having hipped ends rather than gables. To the rear the two projecting bays which previously had hipped ends now would have gables. Overall the roof has been simplified in design terms. Internally the layout of the building will also change slightly from the approved scheme. Externally materials are also proposed to change; white render is now the main elevational treatment. To the front the two single garage doors will be replaced by a double garage door and the appearance of the garage, in particular how it links to the main building, has also changed. The proposal does not seek to change the height, width or depth of the building. Please refer to the comparison drawing at Appendix 6.
- 2.2 The setback of the building from the back edge of the pavement remains approximately 10m, the width would measure 12.5m at two storey level, the height of the ridge would be 6.8m and the eaves would be 4.7m high. All existing trees will be retained and the water course at the rear of the property will be unaffected. Therefore the scheme differs from the previously refused scheme by being 2.9m narrower at first floor level and by having a ridge that is 0.8m shorter and eaves which are 0.4m lower. The design is less contemporary than the previously refused scheme (16/01352/FUL) and does not differ significantly from the approved scheme (16/01903/FUL).
- 2.3 Interlocking roof tiles are proposed for the roof, walls are to be white rendered and as such the main external materials are no longer red brick and cedar cladding. Powder coated grey aluminium windows are proposed along with cedar cladding around the feature window positioned in the middle of the building and for the front door and double garage door.
- 2.4 The new first floor will provide 4 bedrooms a guest bedroom/study area and 2 bathrooms. There will also be en-suite bathrooms and 1 separate bathroom added. The master bedroom, facing the rear of the property will be served by a small balcony and associated privacy screen. The other rear facing bedroom will be served by a Juliette balcony. The boundary planting between dwellings has also been taken into consideration when designing the upper floor window positions.

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 27th 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 The Bassett Neighbourhood Plan was adopted in 2016 and can be afforded significant weight in the determination of this application.

4 Relevant Planning History

4.1 The planning history relating to the site involves the approval for the construction of the house and garage in 1961 and refusal for a single storey extension in 1972. The extension was proposed to be added to the front of the building and was found to be harmful to the character of the area as the front building line of properties 9, 11, 13 and 15 would have been breached. A second reason for refusal is also listed whereby there was concern that the extension may lead to an additional window in the flank wall of the dwelling overlooking number 11 Bassett Green Drive. Whilst it is clear that the building has been extended since its original construction there is no further planning history is available relating to those elements of the building.

4.2 Early on in 2017 planning permission 16/01352/FUL was refused. Planning permission was sought for a single and two storey rear extension with associated alterations to form an enlarged dwelling on the site. The scheme was however refused under delegation owing to the design of the scheme which, in light of the policies set out in the Local Plan, the Core Strategy and in particular the Bassett Neighbourhood Plan, could not be supported by Officers. More specifically the proposed design could not be supported because:

- The main building material for the walls of dwellings within Bassett Green Drive is brick not white render.
- There are no large balconies on existing properties that face onto Bassett Green Drive.
- Solar shaded design features are not a feature currently exhibited within the street scene.
- Houses fronting Bassett Green Drive typically have small void to massing ratios rather than large expanses of glazing.
- Roofs generally have overhanging eaves and chimneys.
- On the whole properties are not built with walls built up to the boundaries of the site thus maintaining the open character of the area where dwellings are placed within spacious plots.

Refer to **Appendix 2** for the full reason for refusal and **Appendix 3** to see the plans submitted.

The application submitted in November 2016 (16/01903/FUL) was taken to Panel for determination in January 2017 where the officers recommendation was overturned and the application was refused. Subsequently the applicant submitted an appeal against the decision of the Council and that appeal was upheld in April 2017 thus planning permission was granted. The approved plans are included as **Appendix 4**. The inspectors appeal decision is included as **Appendix 5**.

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, including erecting a site notice (05/01/2018). At the time of writing the report **6** representations have been received from surrounding residents (including objections from North East Bassett Residents Association [NEBRA], Bassett Neighbourhood Forum and Cllr Beryl Harris). The following is a summary of the relevant points raised:

5.2 **Why was the new application accepted by the Council if the previous one**

was refused and the plans submitted are the same? RESPONSE: The scheme is different and the earlier application was allowed at appeal.

- 5.3 **Contrary to the Bassett Neighbourhood Plan, in particular there should be no conversion of bungalows to houses.** RESPONSE: 2 storey was approved at appeal.
- 5.4 **The scheme differs from the previous scheme, one was an extension to the existing dwelling house and the current proposal seeks to demolish the existing building and reconstruct a new dwelling.** RESPONSE: For the purposes of the planning assessment (acceptability of the proposed development) whether or not the proposal is an extension or a reconstruction is not relevant.
- 5.5 **Precedent of demolition and reconstruction of a larger house.** RESPONSE: Each application must be judged on its own merits.
- 5.6 **There is a high demand for bungalows in Bassett.** RESPONSE: The demand for bungalows, as determined by market forces, is not a material planning consideration and two storey has been approved at appeal.
- 5.7 The identity of Bassett Green Drive and Bassett Green Close is bungalows not 5 bedroom houses. RESPONSE: The number of bedrooms a property has in isolation is not an adequate reason for refusal. The character of an area is determined by a number of separate criteria as discussed in section 6 below. There are two storey properties as well as bungalows in Bassett Green Drive and Bassett Green Close, the design of properties in Bassett Green Drive and Bassett Green Close is also varied.
- 5.8 The new build should be considered on its own merit. The appeal decision should not be considered in the determination of this application: RESPONSE: Each application is judged on its own merit however the previous appeal decision does have significant material weight in the assessment.
- 5.9 The design is out of character with the 1960's style that prevails in the street/poor design. RESPONSE: In order to respect the local character the design does not have to repeat the design of neighbouring buildings. However the design does need to demonstrate overall similar characteristics in terms of scale, mass, layout and materials. The Planning Inspector considered that this was the case previously and with amended plans to revise the materials proposed Officers are confident that the design of the building will be acceptable.
- 5.10 Bulk, scale and mass proposed is out of character, especially give proximity of the building to the road. RESPONSE: The height is the same as the scheme that was approved at appeal. The building would be constructed on the existing building line, this would result in the two storey element of the building being slightly further forward of the building line of the neighbouring property, and this is not however judged to be significantly harmful nor was the building line/distance from Bassett Green Drive previously listed in the previous reason for refusal. The bulk, scale and mass of the scheme was also not considered to be out of character or unacceptable by the Inspector when considering appeal 16/01903/FUL.
- 5.11 Overlooking of number 7 Bassett Green Road from balconies at the rear. RESPONSE: The distance between the proposed Juliette balcony and the neighbours' bedroom window at 7 Bassett Green Drive, in combination with the trees on the boundary and proposed hedge planting are anticipated to remove significant overlooking of neighbouring gardens and bedroom windows. This relationship was considered acceptable by the Inspector when considering appeal 16/01903/FUL.

- 5.12 Overshadowing/loss of light neighbours. RESPONSE: There will not be any significant difference in terms of shade cast as a result of the proposal when compared to the scheme that was supported by the Appeal Inspector, which has the same ridge height and elevation form.
- 5.13 The street scene is misleading as it shows number 7 next to number 9 whereas it is in fact set further back from the street. RESPONSE: The street scene drawing provided is 2D and therefore it does not show the set back. The case officer is aware of the set back of the neighbour. The inspector, when determining the previous application, was also aware of the setback position of the neighbour number 7.
- 5.14 A double garage and the driveway access would cause a potential highway hazard. RESPONSE: The previous application was not refused for this reason. Bassett Green Road is not a classified road meaning that it is not necessary to provide on-site turning.
- 5.15 The grass verge should not be removed. RESPONSE: Revised plans have been received and the scheme no longer proposes to remove part of the grass verge.
- 5.16 The sewer to the rear is not sufficiently large enough. Concern is also raised regarding the protection of the sewer during construction and potential damage. RESPONSE: The planning system assumes reasonable behaviour and any damage caused is a matter for Southern Water and the applicant to resolve.
- 5.17 Details of demolition have not been provided. RESPONSE: Building regulations control demolition to ensure that works are carried out safely. Planning conditions can be used to ensure that impact caused from demolition, including dust and noise, is mitigated to a satisfactory level. Whilst some impact is likely to be caused by the demolition and construction mitigation measures prevent significant harm, furthermore impact will be temporary.
- 5.18 Biodiversity checklist error, construction will damage tree roots. RESPONSE: The tree team have reviewed the proposal and subject to conditions are able to support the scheme.
- 5.19 Ecology and trees impact. RESPONSE: The tree team and ecology team have not objected. Relevant conditions and informatives can be added to overcome concerns raised. Stag beetles live in dead wood and thus will not be harmed as a result of the demolition of the building itself. An informative can be added to advise the applicant of the potential for stag beetles on the site and how to deal with dead wood that could potentially be a habitable for them if they are discovered.
- 5.20 Exceeds permitted development. RESPONSE: This is the reason that the building cannot be constructed under permitted development rights and instead planning permission needs to be achieved.
- 5.21 Party Wall dispute. RESPONSE: Land ownership and party wall disputes are civil matters and do not carry material weight in planning assessments.
- 5.22 Stability of other properties and impact on underground water courses caused by the excavation of foundations. RESPONSE: The way in which foundations are constructed and potential impact on neighbouring buildings as a consequence of the build programme is a matter for the Building Control team to consider and manage.
- 5.23 The obscurely glazed side facing window should be fixed shut. RESPONSE: The window will be controlled by condition. It is common practice to ensure that the

fixed shut element of the window is below 1.7m from the floor height of the room to which it serves. Above 1.7m the window can be openable, this is because it is very unlikely that a person in the room will be able to see out of the window when it is open at that height.

SCC Planning Policy Team Response (provided in response to application 16/01903/FUL):

- 5.24 The first paragraph of the Annex to the Bassett Neighbourhood Plan clearly states that the annex is part of the evidence base, that was contributed to by the Resident Associations in Bassett, and informs the Bassett Neighbourhood Plan although does it does not form part of the plan's policies. This was added to the Annex following the (see paragraphs 96 and 97) which included the following recommendation:
- 5.25 *I recommend that a sentence be added to the first paragraph of the Annex stating: "This Annex does not form part of the plan's policies".*
- 5.26 Paragraphs 37 – 39 in the Examiner Report included a further recommendation in relation to the status of the Annex material. Paragraph 1.10 in the Final Version of the Plan takes account of this recommendation which states the following:
- 5.27 *'The views expressed, feedback forms and other replies received were all taken into account when formulating the plan. The annex to the plan describes the characteristics of the different areas within Bassett and the rationale for the densities defined on the density map (see Figure 2 on Page 12). This material does not form part of the plan's policies but is included in this document so as to provide background information.'*
- 5.28 Finally, the Examiner suggested that the last sentence in Policy BAS 5 'Housing Density' would be more suitably placed in the supporting text and amended to state that the annex to the plan provides background information explaining the derivation of density criteria (see paragraph 58 of the Examiner Report). For information, the sentence that was removed from the wording of Policy BAS 5 'Housing Density' for the Final Version of the Plan stated that 'guidelines explaining the densities and their locations are contained in the annex in this plan'.
- 5.29 Taking account each of the above points, it is clear that the Annex does not have weight attached to the plan and subsequently cannot be used as a material consideration in determining planning applications. The above recommendations and suggestions of the Examiner were made in response to representations the Council had made regarding the status of the Annex.

SCC Ecology:

- 5.30 No objection, apply recommended conditions.

SCC: Trees:

- 5.31 No objection, apply recommended conditions.

6 Planning Consideration Key Issues

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

are:

- Principle of the development.
- Character and appearance of the local area, and design.
- Neighbouring amenity.
- Protected trees and ecology.

Principle of the development

- 6.2 There are no policies within the Development Plan (including the Bassett Neighbourhood Plan) which object in principle to the conversion or loss of a bungalow and replacement with a two-storey dwelling house. Policies and guidance of the RDG would only support the loss of a bungalow if bungalows form a strong character feature of the neighbourhood and the conversion to a two storey dwelling would be harmful to local character. In principle therefore the demolition of the existing bungalow and construction of a two storey dwelling is not opposed. The proposal must therefore be judged in terms of its potential impact as a result of the physical characteristics of the proposed two storey dwelling on the overall character of the area. Furthermore the Panel will note that roof extensions are, in some cases, permitted development meaning that bungalows can change in any event.

Character and appearance of the local area, and design:

- 6.3 In considering the impact of the development on the character and appearance of the local area the Panel must take account of the previously refused scheme and the scheme that was allowed at appeal. The panel must determine whether or not the proposal again overcomes the previous reason for refusal and whether or not it is considered that a Planning Inspector would allow or dismiss an appeal if planning permission is refused in light of the appeal decision relating to application 16/01903/FUL (**appendix 5**). The merits of this scheme should be assessed in that context.
- 6.4 The Appeal Inspector considers that for the most part buildings are of traditional design and occupy spacious plots with mature landscaped gardens. The inspector also acknowledged that the proposal would represent a sizable enlargement of the existing dwelling adding significant volume. This was not in itself justification for a refusal however.
- 6.5 In paragraph 5 of the appeal decision (**appendix 5**) the Inspector describes the Council's concerns regarding scale, massing, height and boundary spacing in relation to neighbouring properties and local character and identity. In the second half of the paragraph the Inspector explains why in their opinion the scheme is acceptable in these terms:

"I see no need to slavishly follow every design feature or window style found locally to make a neutral or positive contribution to the wider streetscene, particularly when so much of the visual ambience is a result of landscape which would continue to prevail. The designer here has selected to use suitable materials, characteristic gable ends to the front sides, an overall height which would be reflective of those properties to the south, and massing such that the upper level would be set off side boundaries and all together adequately distant from the bungalow to the north which lies deeper in its plot. Residential amenity of neighbours would be suitably safeguarded in my opinion and to my eyes the appeal scheme would not detract from the sense of place or from local aesthetic qualities."

- 6.6 The current scheme is identical to application 16/01903/FUL in terms of scale, massing, height and boundary spacing in relation to neighbouring properties. In addition the impact on neighbours would also be identical as windows are as approved. Accordingly it is judged that an Inspector would come to the same conclusion to that which was made previously if the current scheme was refused and subsequently appealed for these reasons.
- 6.7 Where the scheme differs from application 16/01903/FUL is the design and materials used. The main differences have been is described in section 2 above.
- 6.8 The design changes are not judged to be a significant departure from the design supported at appeal. The roof has been simplified with hipped ends and thus mass and bulk have been removed. This reduces the visual scale of the building when viewed from Bassett Green Drive and will also increase boundary spacing.
- 6.9 The Inspector also previously had the opinion that the proposed materials were suitable when considering application 16/01903/FUL. The range of materials now proposed have been simplified with red brick being eliminated from the elevations. The panel must therefore decide if the pallet of materials now chosen would fit with the street scene in an acceptable manner. White render is used as a facing material for buildings in Bassett Green Drive however this is not the main/dominant material locally. The use of render as the dominant material for the elevations of the proposed building is considered to be a retrograde step moving the appearance of the scheme closer to application 16/01352/FUL (which was refused). As such it is recommended that the application is approved subject to amended plans being received which alter the external appearance of the building and re-introduction of materials, including brick, to reflect the appearance and use of materials found locally.
- 6.10 In the event that amended plans are received and planning panel refuse the current scheme, should an appeal be submitted, it is anticipated that a Planning Inspector would come to the same conclusion as the previous Inspector in paragraph 6 of the attached Appeal Decision. Accordingly having taken account of the revised plans, the requirement to seek amendments to the materials used for the elevations of the building (in particular the front elevation visible from Bassett Green Drive) Officers conclude that the proposal would not conflict with the relevant development plan policies and the pertinent aims of the guidance; it would also align with the relevant content of the National Planning Policy Framework and will deliver a well-designed dwelling in accordance with Local Development Framework Policy CS13.

Impact on neighbours:

- 6.11 The scale and mass of the development would not cause significant overshadowing of neighbouring gardens given relevant positions of houses and the nature of vegetative boundaries.
- 6.12 The building is also not judged to be overbearing or dominant when neighbours are within their gardens or habitable rooms.
- 6.13 The proposed house includes two rear facing balconies, one of which is a Juliette style balcony. The window which includes a Juliette balcony would be positioned 4m from the boundary of the property to the north. Owing to the juxtaposition between the proposed Juliette balcony at 9 Bassett Green Drive and the front elevation of the bungalow at 7 Bassett Green Drive an objection has been received to the proposed Juliette balcony. This is because number 7 is set back

significantly from the road due to a stream running across the land. As a consequence a bedroom window is positioned within the front elevation of number 7 and therefore at an oblique angle faces the rear of the application site. Forming the boundary between the two are hedges and fencing. The distance (approximately 14m) between the proposed Juliette balcony and the neighbours' bedroom window at 7 Bassett Green Drive, in combination with the trees on the boundary, hedges and proposed planting are anticipated to remove significant overlooking of neighbouring gardens and bedroom windows. In addition as bedrooms tend to be used less than main living spaces within properties (living rooms and kitchens) an element of mutual inter looking is not unreasonable nor uncommon within a city environment.

- 6.14 Number 11 to the south also includes a rear facing Juliette balcony. Privacy within the garden of number 11 Bassett Green Drive will remain satisfactory owing to the juxtaposition of the two neighbouring rear building lines, boundary treatment formed of timber fencing, trees and hedges; and the proposal to include a privacy screen on the southern side of the balcony. As such the closest section of garden to the rear of the house at number 11 Bassett Green Drive would not be overlooked from the balcony and significant overlooking of the remainder of the garden would also not easily be achieved.
- 6.15 Owing to separation distances and the boundary treatment which includes tall trees and bushes within the local area no concerns are raised from officers regarding the impact of the proposal on the privacy enjoyed by other neighbouring residential occupiers.
- 6.16 Privacy was also not listed within the previous decision and the Appeal Inspector, as noted above, considered the impact on neighbouring amenity acceptable before allowing the appeal. On this basis the scheme is again Local Plan Review policy SDP1 (i) compliant.

Protected trees and ecology

- 6.17 With the use of planning conditions there would be no significant harm posed to protected trees or local biodiversity as a consequence of the development.

Highways.

- 6.18 The proposal would add a new hedge on the boundary of the site. Cars are not required to turn on site. The scheme does not represent a change from the previously refused scheme that was approved at appeal. Previously highways impact, in terms of safety, was not a concern and given that there are no significant changes to the relationship of the scheme to the highway it would be unreasonable to refuse the current scheme on this basis.
- 6.19 A condition has been recommended to ensure that the highway verge is not used for the purposes of parking construction related vehicles and is also not used for storing of construction related materials and/or equipment. Should the verge be damaged at any time during the construction of the development it will be the responsibility of applicant to carry out appropriate repair works.

- 6.20 The proposal will be capable of accommodating refuse and cycle storage.

Solent Disturbance Mitigation Project

- 6.20** The proposal does not result in a net gain of residential units on the site and as such the development does not trigger the requirement to seek a contribution towards the Solent Disturbance Mitigation Project.

7 Summary

- 7.1 The application is recommended for approval as the amendments to the previous scheme lead officers to the same conclusion that the proposal is not out of keeping with the scale, massing and height of neighbouring building (BAS1) and notwithstanding the materials proposed, the design takes account of the existing character of the surrounding area and is judged to complement the street scene, with particular reference to the scale, spacing, massing and height of neighbouring properties (BAS4). As such it has been demonstrated that with amendments to the materials chosen the scheme would be acceptably context driven and thus would not be significantly harmful to the character of the local area. Officers believe that an Appeal Inspector would come to the same conclusion if the application is refused and a subsequent appeal is lodged.

8 Conclusion

- 8.1 Conditionally Approve.

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

1a, b, c, d, 2b, d, e, 3a, 4f, 6a,

MP3 for 20/0/2018 PROW Panel

Conditions.

1.Full Permission Timing Condition (Performance):

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

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

2.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.

3.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 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 visual amenities of the area.

4.No other windows or doors other than approved (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 windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

5.Obscure Glazing (Performance Condition)

The window in the south side elevation, located at first floor level of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The window shall be thereafter retained in this manner.

Prior to the first occupation of any of the development the 2m high visibility screen (serving first floor balcony of the master bedroom) and the 1.8m high close boarded fence positioned on the southern edge of the approved rear decking (erected so that the top of

the fencing is 1.8m above the floor height of the decking) as represented on the approved plans shall be erected in accordance with the approved plans and subsequently retained in perpetuity.

Reason: To protect the amenity and privacy of the adjoining property.

6. Details of building materials to be used (Pre-Commencement Condition)

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary; and amended plans, have 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, the roof of the proposed buildings and the balcony privacy screen and balustrade. 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. The amount of white render proposed will need to be reduced. 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.

7. Energy & Water (Pre-Commencement)

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).

8. Energy & Water (performance condition)

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

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

9. Hours of work for Demolition / Clearance / Construction (Performance)

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.

10. Construction Management Plan (Pre-Commencement)

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.
- (h) measures to ensure that the water course and pond to the rear of the site are not contaminated as a consequence of any works being undertaken.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority. Use of the highway verge for any construction related purposes, including the parking of construction vehicles, will not be permitted and in the event that any damage is caused to the high way, including the verge, that damage will be repaired at the developers/applicants expense within 6 months of the completion of the development hereby approved.

Reason: In the interest of health and safety, protecting the amenity of neighbouring residents, the character of the area, highway safety and to ensure satisfactory protection of the pond and water course to the rear in the interests of local ecology and wildlife.

11. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

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. planting plans; written specifications (including cultivation and other operations associated with plant establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate and details of any proposed boundary treatment, including fencing and/or walls.
- ii. a management scheme for the proposed planting on the boundary.
- iii. a lighting plan.

The approved landscaping shall be carried out prior to occupation of the first floor 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 as specified (once fully established) in perpetuity.

Should any of the plants approved die, fail to establish, are removed or become damaged or diseased they shall be replaced 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 lighting plan will need to prevent light spill into the tree canopy to the rear.

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, to improve privacy enjoyed by neighbouring occupiers and in the interests of local ecology (in particular bats).

13. Protection of nesting birds (Performance)

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

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

14. 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 tree protection as agreed by the Local Planning Authority has been erected. Tree protection measures will need to be erected at the extent of the root protection zone.

No works shall be carried out to overhanging trees without first contacting the City Council and gaining approval in writing for any works considered necessary to facilitate the development.

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.

15. No storage under tree canopy (Performance)

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

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

Informative:

Protection of stag beetles.

Any pieces of timber found on the site that need to be removed to facilitate the development will need to be moved whole and to a position located at the south east end of the site so that Stag Beetle Habitat.