

Planning and Rights of Way Panel 2nd April 2019
Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: Land adjacent 28 Hill Cottage Gardens, Southampton			
Proposed development: Erection of 2x detached dwellings (1x 4-bed, 1x 3-bed) with associated parking and refuse storage (resubmission 18/00190/FUL)			
Application number:	19/00170/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 mins
Last date for determination:	10.04.2019	Ward:	Bitterne Park
Reason for Panel Referral:	5 or more objection letters received	Ward Councillors:	Cllr Robert Harwood Cllr Ivan White Cllr David Fuller
Applicant: Oakdene Homes		Agent: LA Hally Architect	

Recommendation Summary	Delegate to Service Lead – Infrastructure Planning & Development to refuse planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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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 39-42 and 46 of the National Planning Policy Framework (2019). Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP12, SDP13, SDP14, H2, H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Approved Landscaping Plan		

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Service Lead – Infrastructure, Planning & Development to grant planning permission subject to the receipt of
 - (i) a plan showing tracking/revised access:
 - (ii) the planning conditions recommended at the end of this report: and
 - (iii) the completion of a S.106 Legal Agreement or Section 111 agreement to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Service Lead – Infrastructure, Planning & Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement or section 111 agreement and/or conditions as necessary.
4. In the event that the revised highways plan and/or the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure their provisions.

1. **Background**

- 1.1 The housing development at Hill Cottage Gardens was granted permission originally in 2006 (ref no. 06/00946/FUL) for 20 houses and 8 flats, with a subsequent minor material amendment granted in 2012 (ref no. 12/01311/MMA) to change the design of the houses on a number of plots and provide additional parking spaces. The landscaping proposal for the Hill Cottage Gardens development was approved under discharge of conditions for the 2012 permission (12/01754/DIS refers) and can be seen in **Appendix 3**. The approved green spaces at the entrance of Hill Cottage Gardens have now been incorporated into the gardens of nos. 1 and 28 Hill Cottage Gardens, albeit without planning permission.

2. **The site and its context**

- 2.1 The site is accessed from Mansbridge Road on the western side of Hill Cottage Gardens, located within the ward of Bitterne Park. To the north of Mansbridge Road is the administration boundary of Eastleigh Borough Council and the M27. The housing estate lies adjacent to the Itchen Valley Conservation Area to the west and Haskins Garden Centre to the east. The western edge of the site falls within flood zone 3 being within the flood plain of the River Itchen. The woodland area to the west is designated as a Site of Importance for Nature Conservation (SINC) known as Marhill Copse & Meadow (also part of the conservation area). Hill Cottage Gardens is served by a single carriageway with off-street parking serving the dwellings.
- 2.2 The site itself comprises land within the curtilage of 28 Hill Cottage Gardens and forms a frontage with Mansbridge Road and Hill Cottage Gardens. The land is enclosed by a close boarded fence and has been left overgrown, and gently slopes down northwards to the lower level of Mansbridge Road. There is an existing vehicle access from Mansbridge Road. The road opens to a double carriageway at the lower end of Hill Cottage Gardens adjacent to the site with a public footway giving pedestrian access to Mansbridge Road.

3. Proposal

- 3.1 The proposal seeks to subdivide the land to form a separate plot (700sqm) and to erect 2 detached dwellings (1x 4-bed, 1x 3-bed) with associated parking for 2 vehicles each, and refuse storage. Both properties will access their driveways directly from the lower end of Hill Cottage Gardens with a dropped kerb crossing over the existing footway.

4. Relevant Planning Policy

- 4.1 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) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at Appendix 2.
- 4.2 The National Planning Policy Framework (NPPF) was revised in February 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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.
- 4.3 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. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which respects the character and appearance of the local area. Policy H7 expects residential development to provide attractive living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards as set out in the relevant chapters of the Residential Design Guide SPD. This sets the Council’s vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood.
- 4.4 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.

5. Relevant Planning History

See section 1 above for the history of the existing estate as built. A previous application for a similar scheme to this (ref no. 18/00190/FUL) was withdrawn by the applicant following design concerns raised by the case officer. The current application has been submitted following discussions with the Planning team to address those concerns.

6. Consultation Responses and Notification Representations

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 on 22.02.2019. At the time of writing the report **8 objections** have been received from surrounding residents. The following is a summary of the points raised:

- 6.1 **The development will exacerbate the danger of using the junction with Mansbridge Road by increasing obstructions and parking near the junction, and conflict between the driveway and drivers entering from the 40mph Mansbridge Road. There is only one passing point in Hill Cottage Gardens so more vehicles will have to reverse all the way up the hill to be able to pass each other, or vehicles will stop closer to the junction of Mansbridge Road. The access for refuse collection and emergency vehicles will be affected. The added access road for the new properties would add further complexity and risk of accident. Inadequate pedestrian visibility for the new driveways. The construction works will make the footpath unsafe.**

Response

The Highway's Officer has raised no safety concerns subject to an amendment to the parking layout of the plot closest to 28 Hill Cottage Gardens. The sightlines for the parking spaces are acceptable. The introduction of the dropped kerbs, this will reduce the opportunity for vehicles to park on street at the entrance of Hill Cottage Gardens. An update to show acceptable tracking or a parking amendment has been requested and an update will be provided at the Panel meeting.

- 6.1.1 **There is limited capacity for kerbside parking especially given the lack of visitor parking. The additional parking demand generated by the development would put pressure on the short availability of street parking and loss of visitor parking. The site should be used for parking to serve the existing residents of Hill Cottage Gardens.**

Response

The properties both provide 2 off street parking spaces each. The maximum parking standards is 3 spaces for the 4 bedroom dwelling and 2 spaces for the 3 bedroom dwelling. Although the full maximum parking provision will not be provided for the 4 bedroom dwelling (1 space short), this is not uncharacteristic for the parking provision of other 4 bedroom dwellings in Hill Cottage Gardens and, indeed, across the City. No parking survey has been provided to assess the capacity of street parking available in the locality, however, this would not add a significant benefit to the decision making process as the 'home zone' nature of the road design intends to provide limited street parking whilst the surrounding roads including Mansbridge Road offer limited opportunities for street parking nearby the application site. Officers feel that 2 parking spaces to serve a 4 bed dwelling is acceptable and affords greater weight to the delivery of a family home than securing a third parking space to serve it.

- 6.1.2 **The buildings proposed would block out natural light provided through the current trees which lightens up the entrance to Hill Cottage Gardens but also maintains the quality of living for the residents.**

Response

The mass and bulk of the dwellings would directly affect the access to light of the habitable areas serving the neighbouring properties. The blocking of natural light

to the entrance of the street is not afforded protection under the Council's residential standards.

- 6.1.3 **Out of character and out of scale. Overdevelopment and crammed in the street and loss of garden land. Impact on the conservation area and tree preservation orders. The land is too unstable and marshy to build on. Would potentially decrease the value of the surrounding properties.**

Response

The design of the dwellings is considered to respond sympathetically to the topography of the site and leave a sufficient gap between the wooded area and conservation area to maintain the character of the area, whilst the backdrop of the wooded area will still be visible between the gaps of the dwellings and above their roofs. The scale and layout of the properties, including their overall plot coverage, does not overdevelop or appear crammed within their respective plots. The applicant would have to apply for approval under Building Regulations to ensure that stable foundations are built depending on the nature of the ground conditions and it would not be in their interests to proceed if the building's stability could not be assured given the investment involved. The loss of property value is not a valid planning consideration.

- 6.1.4 **Loss of biodiversity and wildlife habitat and spoil the open wooded area, and loss of green space for the estate which has been imposed under condition of the original permission.**

Response

The loss of the green space at the entrance of the site is outweighed by the benefits of boosting housing supply, whilst suitable replacement tree planting (on a 2 for 1 basis) can be secured to the frontage with Mansbridge Road. The Council's Ecologist has commented that the site itself is of low ecological value and there would be no adverse impact on the sensitive ecological sites and habitats surrounding the site subject to the mitigation measures proposed by the applicant's ecology report. They are satisfied with the proposed biodiversity enhancement and mitigation measures, however, they would expect light levels around the tree canopies to be controlled by condition to reduce the extent of light spill.

- 6.1.5 **The current space absorbs the noise from the A27, passing aircraft and M27. The new buildings are likely to increase and reflect the noise. A noise assessment is required to assess this impact. Increased noise disturbance with activity of the dwellings.**

Response

The scope of the application can only assess against the impact from the noise generated by the proposed use. The noise generated by the incidental activities associated with the dwellings are compatible with the residential area and would not generate a significant noise above the background noise levels of the area.

- 6.1.6 **Loss of amenity due to loss of privacy from overlooking from higher viewpoint.**

Response

The buildings are on a lower level than the existing dwellings given the slope of Hill Cottage Gardens, whilst there is already overlooking across the street between properties in the street. There are no first floor windows that directly overlook the private habitable areas of the neighbouring properties. Where direct overlooking does occur, it is across the street which is already a common relationship between properties within Hill Cottage Gardens.

- 6.1.7 **In accordance with the original highly restrictive planning permission for this entire development the additional units would breach or risk original conditions from the council (reference 06/00946/FUL/11593).**

Response

The overall impact of the development has been judged acceptable and conditions relevant to the development will be imposed to ensure that similar safeguards are in place where relevant and necessary.

- 6.1.8 **As the road has still not been adopted there are ongoing disputes over services and their costs, such as road surface and external lighting. In addition the shared spaces that these units will benefit from, which are funded by the existing residents, will not have a mechanism to be billed or make contribution towards those costs or upkeep. Pressure on existing infrastructure**

Response

This is a civil matter between the landowners to personally resolve as the Council does not have any legislative powers to enforce this. The landowner would have to separately approach utility companies to obtain the necessary consent to local infrastructure. Southern Water have not raised a concern about lack of capacity of drainage and sewerage infrastructure. The current applicant should not be penalised for any outstanding issues with the wider development.

Consultation Responses

- 6.2 **SCC Highways** – No objection
- 6.3 **SCC Sustainability Team** – No objection
- 6.4 **Southern Water** – No objection. The existing sewer may require diversion to ensure that the development is within the safeguarding distance required. A condition is recommended in agree the sewer diversion in consultation with Southern Water.
- 6.5 **Ecologist** – No objection
- 6.6 **Environment Agency** – No objection
- 6.7 **Archaeologist** – No objection
- 6.8 **Eastleigh Borough Council** – No objection
- 6.9 **Trees** – No objection

7.0 Planning Consideration Key Issues

- 7.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
 - Design and effect on character;
 - Residential amenity;
 - Parking highways and transport;
 - Mitigation of direct local impacts and;
 - Likely effect on designated habitats.

7.2 **Principle of Development**

- 7.2.1 The land being developed is currently enclosed as garden space serving 28 Hill Cottage Gardens. Although private residential gardens are not identified by the NPPF as previously developed land, the Council does not have a Local Plan policy to preclude the development of residential gardens for further housing.

When considering development that makes more efficient use of land such as this application, paragraph 122(d) of the NPPF expects planning decisions to take into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

7.2.2 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in high accessibility locations such as this, density levels should generally accord with the range of 35-50 dwellings per ha (dph), although caveats this in terms of the need to test the density in terms of the character of the area. The proposal would achieve a residential density of 29dph which, whilst accords with the range set out above, albeit slightly below the minimum density level promoted, needs to be tested in terms of the merits of the scheme as a whole, whilst noting that the site's developable area is constrained by existing tree cover.

7.2.3 As such, whilst the principle of development to make better utilisation of under-used land to contribute towards the housing supply is welcomed, this benefit should be weighed up against other socio-economic and environmental priorities of the Development Plan to determine whether this is a sustainable development in accordance with the NPPF (the 'Planning Balance').

7.3 Design and effect on character

7.3.1 Following the submission of the previous application (ref no. 18/00190/FUL), the applicant has closely worked with Officers in the Planning team to modify the layout and design of the development to positively respond to the environmental constraints affecting the site (i.e. the topology and adjacent trees & ecology sensitive features adjacent to the site) and to make a positive contribution to the character of Hill Cottage Gardens and Mansbridge Road. In effect, the revised scheme is well designed by creating the opportunity for 2 modest sized attractive dwellings that makes efficient use to under-utilised land. The location of the plot at the lower end of Hill Cottage Gardens relates more directly to the frontage of Mansbridge Road than the housing estate itself, so there is an opportunity to create houses with their own identity and character which does not necessarily have to copy the design and materials palette of the estate. The applicant has achieved this by creating a 'gatehouse' dwelling on the plot adjacent to 28 Hill Cottage Gardens, and a standalone dwelling on the plot adjacent to Mansbridge Road in terms of its modern individual design to signify its direct relationship with the frontage of Mansbridge Road. The scale and height of the dwellings, and the layout of their plots, relates well to the other dwellings in Hill Cottage Gardens and respond to the natural contours of the land to maintain the impression of the downwards slope towards Mansbridge Road.

7.3.2 The application land was meant to be maintained as green space under the original permission for the Hill Cottage Gardens housing estate, however, as it stands it is currently incorporated by a closed boarded fence into the garden of 28 Hill Cottage Garden. Although the green space requirement and retention of the trees has not been strictly adhered to by the present landowner (as well as the green space land incorporated into the property at 1 Hill Cottage Gardens), the decision should be based primarily on the application in hand to redevelop the land into additional housing. The Council's Ecologist identifies the application land to have low ecological value, whilst the significant Pine trees (felled at some point between the period of 2014 and 2015) are not specifically protected by the boundaries of the local Tree Preservation Orders. Officers consider that the positive benefits of re-using the land to boost the city's housing supply would far

outweigh the loss of the green space as intended under the original permission, whilst the replanting of the trees lost (on a 2 for 1 basis) with similar Pine species and other native Beech and Maple trees would redress the negative impact of losing the trees with regards to the greening of the entrance in Hill Cottage Gardens. The Tree Officer has supported this approach and will advise on suitable species and sizes through an amended landscaping plan to be secured by condition.

- 7.3.3 The wooded area known as Marlhill Copse beyond the site (to the west) forms part of the Itchen Valley Conservation Area, which is designated to safeguard its landscape and ecological importance and transition in visual terms between the city and its surrounding countryside. The statutory test for the proposal, as set out in section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, is whether the proposal would preserve or enhance the character or appearance of the Conservation Area. As set out above, the dwellings are sympathetic to the scale, massing and appearance of the existing estate and consistent with building heights in the area. Furthermore, the dwellings would partly be screened from the context of the Conservation Area. Since the designation of the Conservation Area in 1986, the housing in Hill Cottage Gardens has been built out on the edge of its boundary (land formerly being a cattery/dog kennels). In the context of the views from the existing housing estate in Hill Cottage Gardens, the addition of the proposed dwellings on the edge of the conservation area would not detract from the character and setting of the conservation area. Whilst the backdrop of the tree canopies of the wooded area on the edge of the site will still be visible in gaps between and above the proposed dwellings. As such, the proposal is considered to preserve its setting and the application is considered to address local and national heritage tests in this respect.
- 7.3.4 As such, the proposed dwellings are considered to have an acceptable impact on the visual amenity of the locality through good design and place making, whilst on balance the benefit of boosting housing supply would far outweigh the negative impact on the character of the area by the loss of green space at the entrance of Hill Cottage Gardens, especially with the additional tree planting.
- 7.4 Residential amenity
- 7.4.1 The proposed dwellings are orientated to the north of the existing dwellings, so there will be no significant loss of light from overshadowing as this will fall away to the properties to the south within Hill Cottage Gardens. The mass and bulk of the dwellings sit sufficiently far enough away from the adjacent dwellings so not cause any significant enclosure to the outlook of existing residents. The alignment in the plots of the new dwellings would create an acceptable outlook for future occupiers, whilst the change in levels down from 5.2 to 4.4m would not overly enclose the rear garden of lower level dwelling (closest to Mansbridge Road).
- 7.4.2 The buildings are on a lower level than the existing dwellings given the slope of Hill Cottage Gardens. Whilst there is already overlooking across the street between properties in the street, there are no first floor windows that directly overlook the private habitable areas of the neighbouring properties. Where direct overlooking does occur, it is across the street which is already a common relationship between properties within Hill Cottage Gardens. The additional comings and goings and incidental activities associated with the new dwellings would be compatible with the nature of the residential street and would not be significantly greater than the existing residential street. These dwellings are at the entrance so this further limits impacts on existing neighbours further within the estate.

7.4.3 As such, the proposal would have an acceptable impact on the amenity of the local residents.

7.5 Parking highways and transport

7.5.1 The Council's Highways Officer has raised no safety concerns subject to an amendment to the parking layout of the plot closest to 28 Hill Cottage Gardens. The sightlines for the parking spaces are acceptable. The introduction of the dropped kerbs will reduce the opportunity for vehicles to park on street at the entrance of Hill Cottage Gardens.

7.5.2 The maximum standards for a 3 bedroom dwelling is 2 parking spaces off street and 3 parking spaces for a 4 bedroom dwelling. Whilst it is accepted that a residential development can be served by less than the maximum standard, it is likely that the households in this location will own a vehicle and, therefore, result in greater demand and parking pressure.

7.5.3 Provision of less than the maximum parking standard is permissible, however, the Parking Standards SPD states that developers should demonstrate that the amount of parking provided will be sufficient.

7.5.4 The proposed dwellings both provide 2 off street parking spaces each. Although the full maximum parking provision will not be provided for the 4 bedroom dwelling (1 space short), this is not uncharacteristic for the parking provision of other 4 bedroom dwellings in Hill Cottage Gardens. No parking survey has been provided to assess the capacity of street parking available in the locality, however, this would not add a significant benefit to the decision making process as the 'home zone' nature of the road design intends to provide limited street parking whilst the surrounding roads including Mansbridge Road offer limited opportunities for street parking nearby the application site. As such, the opportunity for any overspill is already restricted.

7.5.5 An appropriate balance needs to be struck between parking provision and delivery of new family housing. Whilst there is always potential for a family household to own more cars than the maximum standards suggests, and increase the pressure on the limited availability of street parking in Hill Cottage Gardens for existing residents, careful consideration should be weighed up for encouraging less motor vehicle use/ownership under the Government's sustainability agenda and securing good design by avoiding car dominated frontages with a lack greenery and soft landscaping.

7.6 Mitigation of direct local impacts

7.6.1 The Council's Ecologist has commented that the site itself is of low ecological value and there would be no adverse impact on the sensitive ecological sites and habitats surrounding the site subject to the mitigation measures proposed by the applicant's ecology report. They are satisfied with the proposed biodiversity enhancement and mitigation measures, however, they would expect light levels around the tree canopies to be controlled by condition to reduce the extent of light spill.

7.6.2 The Tree Officer has raised no objection as they are satisfied that the development does impact on the root protection area of the adjacent trees identified and, therefore, there is no requirement for an arboricultural impact assessment or arboricultural method statement. The root protection area is required to be fenced off during the construction, therefore, a condition is required

to secure a scaled tree protection plan that shows the position of the fencing and the specification of fencing to be installed to comply with BS5837. In relation to the tree planting to replace the felled Pine trees, the Tree Officer supports the suggested planting in principle as shown on the landscaping plan, however, they have recommended changes to the location, size, and species type with the key provision of 2 Pines planted at the front boundary. This can be secured by condition.

7.7 Likely effect on designated habitats

7.7.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see Appendix 1. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

8. Summary and Planning Balance

In summary, it is considered that the socio-economic benefits of delivering good quality family housing for the community, which responds well to its context far outweighs by the negative socio-economic and environmental impacts on the community with regards to the loss of the green space intended for the setting of the entrance to Hill Cottage Gardens, and the loss of the opportunity for residents to use the street parking on the kerb adjacent to the site. As such, it is considered that the impacts of the development when assessed as whole should be granted in presumption of favour as a sustainable development as the net positive outcomes of the development do achieve a favourable planning balance.

9. Conclusion

It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (f) 4.(f) (g) (n) (vv) 6. (a) (b) 7. (a)

SB for 02/04/19 PROW Panel

Conditions to include:

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. 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, 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.

3. 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.

4. 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;
- (g) details of how noise emanating from the site during construction will be mitigated;
- (h) details of the method of controlling pollution from construction stage contaminated surface water runoff and recreational disturbance;
- (i) details of precautions in respect of site excavations to protect animals such as badgers e.g. cover all trenches overnight or, if this is not possible, place a plank in the hole to allow animals to escape should they fall in; and,
- (j) the clearance of the site by hand and moving any slow worms found into the buffer zone ('dedicated landscape strip').

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 ecologically sensitive habitats and species, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

5. Amenity Space Access (Performance)

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, including the means of enclosure, shall be made available for use 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 in association with the approved dwellings.

6. 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 2011)

7. 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).

8. 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 E (Outbuildings)

Reason: In the interests of the visual amenities of the area, safeguard the health of the adjacent trees, and to protect residential amenity.

9. 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. proposed finished ground levels or contours;
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and replacement trees proposed, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. 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 (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. a landscape management scheme.

The approved hard and soft landscaping scheme 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.

10. Unsuspected Contamination (Performance)

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.

11. External Lighting Scheme (Pre-Occupation)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The light levels around the tree canopies shall be less than 1lux and for external lighting to comprise LED warm white (2700 ' 3000Kelvin) luminaires with a peak wavelength greater than 550nm to be used. Internally, lighting should be wall or ceiling mounted, not pendant style, to reduce the extent of light spill. A light diagram, plus details of the lighting to be used shall be submitted. The lighting scheme shall be thereafter retained as approved.

Reason: To minimise the impact on protected species.

12. Site Levels (Pre-commencement)

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

Reason: To ensure that the heights and finished levels of the development are built as agreed in the interests of visual and neighbour amenity.

13. Boundary Treatment and Means of Enclosure (Pre-Occupation)

Before occupation of the development hereby approved, details of boundary treatment and means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include provision of a boundary brick wall (in matching materials to the dwelling) as shown on the approved plans. The agreed enclosure details shall be subsequently erected before the development is first occupied and shall thereafter be retained as approved.

Reason: In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

14. Retaining Wall (Pre-commencement)

No development shall be commenced (including the operations associated with the excavation of site levels), until structural details of the retaining walls and a phasing scheme for their insertion are submitted to and approved in writing by the Local Planning Authority. The retaining walls shall be subsequently erected in accordance with the agreed structural details before the building operations associated with the main buildings commences and shall thereafter be retained as approved.

Reason: In the interests of protecting the safety and stability of neighbouring land.

15. Arboricultural Method Statement (Performance)

No development, including site works of any description, shall take place on the site unless and until all the existing bushes, shrubs, and hedgerows to be retained on the site have been protected by a fence to be approved in writing by the Local Planning Authority erected around each area of vegetation at a radius from the stem or stems at a distance calculated in line with BS5837:2012 Trees in relation to design, demolition & construction or such other distance as may be agreed in writing by the Local Planning Authority. Within the area so fenced off the existing ground levels shall be neither raised nor lowered and no materials, temporary buildings, plant machinery, rubble or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. No excavations or other operations including vehicle or pedestrian movements will take place within the fenced off area until and unless explicit written permission is agreed in advance. 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. No trees shall be cut back or pruned unless otherwise permitted by the Method Statement.

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

16. Replacement trees (Performance)

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority prior to the commencement of development at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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

17. Ecological Mitigation Statement (Pre-Commencement)

Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the programme of habitat and species mitigation and enhancement measures set in section 5 of the Ecological Appraisal dated November 2018 by Lindsay Carrington Ecological Services before any demolition work or site clearance takes place. This shall include the provision of the dedicated landscape strip in accordance with the approved plans which shall be kept clear of structures and not used for storage purposes at all times.

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

18. Parking & Access (Pre-Occupation)

The following shall be provided in accordance with the approved drawing 497.PL.SITE before the development first comes into occupation and thereafter retained as approved:-

a) The parking and access

b) The sight lines as shown on the approved drawing; of 2m by 2m measured at the back of footway to be provided before the use of any development first comes into use, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays. Furthermore, the existing.

Furthermore, the existing vehicle access onto Mansbridge Road has been stopped up including the reinstatement of the dropped kerb with a full height kerb.

Reason: In the interests of highways safety to provide safe access to the development and to prevent congestion on the highway.

19. Archaeological evaluation investigation (Pre-Commencement Condition)

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

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

20. Archaeological evaluation work programme (Performance Condition)

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

Reason: To ensure that the archaeological investigation is completed.

21. Archaeological investigation (further works) (Performance Condition)

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

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

22. Archaeological work programme (further works) [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

23. Flood risk mitigation measures

The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref Flood Risk Assessment and Preliminary Surface Water Drainage Strategy by STM Environmental on 10/01/2019) and the following mitigation measures it details:

(i) Finished floor levels of the ground floor shall be set no lower than 4.65m above Ordnance Datum (AOD) as stated on page 30 of the submitted FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

24. Public Sewer protection (Pre-commencement)

Prior to the commencement of development, (in consultation with Southern Water) details of the measures undertaken to divert the public sewers shall be submitted to and agreed in writing by the Local Planning Authority. The measures approved shall be carried out prior to all ground works associated with the development being commenced.

Reason: In order to safeguard the public sewer.

25. 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.

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a Flood Risk Activity Permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance, please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our local team at psohiow@environment-agency.gov.uk. The Applicant should note that a permit is separate to and in addition to any planning permission granted. The granting of planning permission does not necessarily lead to the granting of a permit.