
Appeal Decision

Site visit made on 24 July 2017

by Ken Barton BSc(Hons) DipArch DipArb RIBA FCI Arb

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 August 2017

Appeal Ref: APP/D1780/W/17/3172379

Rear of 19 Crabwood Road, Southampton SO16 9FD

- The appeal is made under section 78 of the *Town and Country Planning Act 1990* against a refusal to grant planning permission.
 - The appeal is made by Mr J St Quintin against the decision of Southampton City Council.
 - The application Ref 16/01805/FUL, dated 19 October 2016, was refused by notice dated 6 February 2017.
 - The development proposed is the erection of a 2 storey building containing 4x1 bed maisonettes with access from Wimpson Gardens and associated parking and cycle/refuse storage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2 storey building containing 4x1 bed maisonettes with access from Wimpson Gardens and associated parking and cycle/refuse storage on land to the rear of 19 Crabwood Road, Southampton SO16 9FD in accordance with the terms of the application, Ref 16/01805/FUL, dated 19 October 2016, subject to the conditions in the Schedule attached to this decision.

Character of the Surrounding Area

2. Nineteen Crabwood Road is a detached dwelling occupying a large plot on the south side of the street. The appeal site forms the southern end of its rear garden and abuts the western end of Wimpson Gardens, a residential cul-de-sac, which has been extended into land at the rear of properties in Crabwood Road. Houses in the two roads are predominantly one and two storey and the Council has no objection in principle to redevelopment of the site.
3. Some of the long rear gardens in Crabwood Road have been subdivided to create residential plots. Indeed, the appeal site, together with Nos 21 and 23, are the only three remaining undivided plots. Moreover, since the application subject of this appeal was made, planning permission has been granted for 8 apartments to the rear of Nos 21 and 23 Crabwood Road. The appeal site will, therefore, be the only undeveloped plot in a line of buildings from 1 Wimpson Gardens to 5 Haweswater Close.
4. The overall site coverage by building and hard surfacing would be around 83%, compared with the advice in the Council's *Residential Design Guide* (RDG) of 50%. However, the footprint to plot ratio would be similar to that of neighbouring properties. The design and materials would reflect the surrounding character, the building line would be continued and the height of the building would be comparable to its neighbours. The densities in adopted

Local Development Framework Core Strategy (CS) Policy CS5 are not prescriptive and the local plan Inspector considered that there would be some scope for higher or lower densities in appropriate locations. This plot would, in my view, be a location where existing character should be reflected.

5. Considering, amongst other matters, the amount of hard surfacing, the depth of footprint and the projection into the rear of the plot the proposal would sit comfortably in the street scene and would not appear as overdevelopment.
6. Although the Council's Statement expresses concern about the amount of usable amenity space, the Officer's report to committee notes "the proposal does not warrant a reason for refusal on residential amenity grounds in terms of amenity space, outlook, loss of light and/or privacy". I concur with this view. The flats would be one bedroom and so unlikely to be occupied by families. It would, therefore, be reasonable to be flexible in the amount of amenity space provided.
7. One parking space per flat and a visitors space would be provided on site. In addition, a survey indicates that there is ample on-street parking in Wimpson Gardens, although this predated the recent construction of a further detached dwelling accessed by Wimpson Gardens. Notwithstanding this the survey indicates that there was a minimum of 5 on-street spaces at the busiest time and more usually around 10 available spaces. The proposal would not significantly impact on residential amenity in terms of parking. I conclude that the proposal would preserve the character of the surrounding area and would comply with Policies SDP1, SDP7 and SDP9 of the adopted City of Southampton Local Plan 2015 (LP), CS Policies CS5 and CS13 and the RDG.

S106 Obligation

8. The proposal would introduce new residential properties within 5.6 km of the Solent coastline where research has found that additional dwellings would put increased pressure on the Solent Special Protection Areas (SPA). Mitigation measures are necessary to prevent harm to the SPAs and are being funded through developer contributions. Visitor Management is not defined as 'infrastructure' and so the scheme would meet Community Infrastructure Levy (CIL) Regulation 123. The Solent Disturbance Mitigation Project is supported by policy and I consider that the contribution sought would meet the three tests in CIL Regulation 122.
9. Whilst at the time the Council considered the application there was no mechanism to ensure there would be mitigation of harm to the SPAs, a signed Unilateral Undertaking has since been submitted and would overcome reason for refusal 2.

Other Matters

10. In addition to the matters raised by the Council, local residents have expressed concerns about access and sewage. However, the Council's Highways Development Management Team has considered the access concerns and concluded that Wimpson Gardens has adequate width for vehicular access and that the proposal would not be detrimental to highway safety. In relation to the public sewerage system, Southern Water has not raised any objection to the proposal in respect of a connection to it. There is little evidence to suggest that a different conclusion should be reached in either case.

Conditions

11. A number of conditions have been submitted and I consider that, with some minor changes to improve clarity, they would meet the tests in the National Planning Policy Framework (NPPF).
12. Conditions 2,3, 4 and 5 seek to safeguard the character and appearance of the area by requiring materials, landscaping, refuse and recycling provision to be implemented in accordance with the approved details. Similarly, conditions 6 and 7 require vehicular and cycle parking to be provided as shown on the drawings whilst condition 8 seeks to control road and footpath construction to an adoptable standard.
13. Conditions 9 and 10 seek to protect amenity. Both a pre-commencement and a performance condition in relation to archaeology are suggested but I have amalgamated these into a single condition 11. Conditions 12 and 13 seek to safeguard ecology. Measures for identifying and dealing with contamination are set out in conditions 14, 15, and 16 whilst conditions 17 and 18 seek to minimise demand for resources. Conditions 19 and 20 seek to safeguard the amenity of local residents, condition 21 sets out measures to preserve trees on site whilst condition 22 identifies the approved plans in the interests of clarity.

Ken Barton

Inspector

Appeal Decision APP/D1780/W/17/3172379 Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) 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. 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 approved details.
- 3) 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:
 - a) hard surfacing materials;
 - b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment);

schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;

- c) details of any proposed boundary treatment (including a brick wall to Crabwood Road and around the parking area rather than timber fencing to replace the existing hedge) and;
- d) a landscape management scheme.

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

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.

- 4) The development hereby approved shall be carried out in accordance with the submitted Arboricultural Impact Assessment and Method Statement DS/91116/AC including the tree protection measures throughout the duration of the demolition and development works on site.
- 5) Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved.
- 6) Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.
- 7) The development shall be served by 5 parking spaces that shall have been laid out in accordance with the approved plans prior to the first occupation of the development hereby approved. The parking shall be retained as approved for the parking of resident's vehicles and shall be allocated on a 1 space per flat basis.
- 8) No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:-
 - a) A specification of the type of construction proposed for the access roads, footpaths and proposed levels and the method of disposing of surface water.
 - b) A programme for the making up of the roads and footpaths to an adoptable standard.
- 9) Prior to the first occupation amended plans detailing an enclosed area/landscaping to provide defensible space adjacent to the rear elevation for the ground floor rear flats shall be submitted to and be approved in writing by the local planning authority. The approved

scheme shall be implemented in accordance with the approved plans and retained for that use thereafter.

- 10) Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, 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.
- 11) No development shall take place within the site until the implementation of a programme of archaeological work has been secured and completed in accordance with a written scheme of investigation which has been submitted to, and approved in writing by the local planning authority.
- 12) Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which should include replacement landscaping planting and a range of wildlife boxes which shall be implemented in accordance with the programme before any demolition work or site clearance takes place.
- 13) 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.
- 14) Prior to the commencement of development approved by this planning permission, a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by, the local planning authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the local planning authority:
 - a) A desk top study including
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
 - b) A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
 - c) A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in c) a verification report shall be submitted to the local planning authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action.

The verification report shall be approved by the local planning authority prior to the occupation or operational use of any stage of the development. Any changes to these elements require the express consent of the local planning authority.

- 15) Only clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the local planning authority for approval prior to the occupancy of the site.
- 16) 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. 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 in writing by, the local planning authority. The development shall proceed in accordance with the approved details.
- 17) Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum:
 - a) 19% improvement over 2013 Dwelling Emission Rate (DER)/Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy); and
 - b) 105 litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculation and a water efficiency calculator shall be submitted to the local planning authority for its approval, in writing.
- 18) Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum:
 - a) 19% improvement over 2013 Dwelling Emission Rate (DER)/Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and
 - b) 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.
- 19) 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.

- 20) 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 Management Plan for the development. The Construction Management Plan shall include details of:
- (a) parking of vehicles of site personnel, operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
 - (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
 - (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
 - (f) details of construction vehicles wheel cleaning; and,
 - (g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process.
- 21) 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.
- 22) The development hereby permitted shall be carried out in accordance with the following approved plans; EMPERY+CO drawings Nos 01.1 and 01.2 both dated October 2016.