

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 15th February 2011
 Planning Application Report of the Planning and Development Manager

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| Application address: Land to the rear of 70 Shirley Avenue | | | |
| Proposed development: Erection of a detached 3 bed property to rear of existing property (resubmission of 09/01154/FUL to provide a widened integral garage and reconfigured layout) | | | |
| Application number | 10/01749/FUL | Application type | FUL |
| Case officer | Jenna Turner | Public speaking time | 5 minutes |
| Last date for determination: | 03.02.11 | Ward | Shirley |
| Reason for Panel Referral: | Considered by the Planning and Development Manager to be of wider interest | Ward Councillors | Councillor Mead Councillor Dean Councillor Matthews |

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| Applicant: Mr and Mrs Cope | Agent: Owen Davies Architects |
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| Recommendation Summary | Conditionally approve |
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 15.02.11 do not have sufficient weight to justify a refusal of the application. The proposed dwelling would be in keeping with the surrounding area and would not have a harmful impact on residential amenity or highway safety. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted having account of the following planning policies: "Saved" Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS19, and CS20 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

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| Appendix attached | | | |
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| 1 | Development Plan Policies | 2 | Planning History |

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The application site comprises the end section of a rear garden associated with 70 Shirley Avenue which is a detached, two-storey dwelling house. The site fronts Howard's Grove and lies adjacent to a care home development at 145 Howards Grove.

1.2 Shirley Avenue is a residential street with a spacious suburban character and which typically comprises detached, two-storey family dwellings. Howard's Grove by contrast is more varied in character containing properties which are mixed in age, style and appearance.

2. Proposal

2.1 The application proposal seeks full planning permission for the construction of a detached dwelling to the rear of the existing property. This application relates solely to the plot to the rear of 70 Shirley Avenue and seeks planning permission for a single dwelling. It follows planning permission for two dwellings on land to the rear of 68 and 70 Shirley Avenue (reference 09/01154/FUL).

2.2 The purpose of the application is to enable the dwelling to the rear of 70 Shirley Avenue to be constructed in isolation to the dwelling to the rear of 68 Shirley Avenue by removing the dwelling's reliance on an external pathway that was to be shared between both properties. This pathway provided access from the public highway to the bin and cycle stores at the rear of the site.

2.3 This planning application therefore proposes amendments to the design and appearance of the dwelling to the rear of 70 Shirley Avenue when compared with the previously approved scheme. These amendments include widening the integral garage of the property by approximately 700mm and some amendments to the design and appearance of the front elevation. The alterations include changes to the fenestration, the roof design and proportions of the front elevation together with the omission of the entrance canopy. Internally, the third bedroom has been divided to provide an additional study. The vehicular access from Howard's Grove has also moved approximately 1.2 metres further from the boundary with 68 Shirley Avenue.

3.0 Relevant Planning Policy

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

3.2 The application site is not allocated in the current development plan. The Council's usual requirements for achieving context-sensitive residential design as required by Core Strategy policy CS13 and policies SDP1, SDP7 and SDP9 of the Local Plan are applicable. Applications for new residential dwellings are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

3.3 On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government's Planning Policy Statement on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.

3.4 The revised PPS3 maintains that the priority for development should be PDL (Paragraph 36 refers).

3.5 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate that the city has a housing supply from identified sites sufficient to meet requirements until and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council's current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed "garden grab").

3.6 That said, the revised PPS3 maintains that the planning system should provide "*a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate*" (Paragraph 10 refers). The national annual target that "*at least 60 per cent of new housing should be provided on previously developed land*" remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.

3.7 It is the view of the Council's Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm to the character and appearance of an area. The judgement as to whether such proposals are acceptable will need to consider, amongst other factors:

- the loss of private residential garden land;
- the contribution the land currently makes to the character of the area;
- the impact on the defined character of the area; and,
- the contribution that the scheme makes to meeting housing need.

3.8 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).

4.0 Relevant Planning History

4.1 There have been two previous applications on this site. Planning application 09/01154/FUL related to the plots to the rear of 68 and 70 Shirley Avenue and approved the construction of two detached, three bedroom dwellings. Condition 09 of this planning permission requires a shared path, which provides access from the front of the site to the rear gardens of the dwelling, to be provided before either of the dwellings were occupied. This was to secure a convenient route between the refuse and cycle store at the rear of the site and the public highway. Condition 9 also had the affect of tying the construction of the two dwellings so that one could not be developed and occupied without the other.

4.2 A further planning application (reference 10/00741/FUL) which sought the variation of condition 09 of 09/01154/FUL was refused last year. The reasons for refusal are included in **Appendix 2** to this report. The current application seeks a stand alone development.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (23.12.10). At the time of writing the report **10** representations have been received from surrounding residents and **1** letter of support. The following is a summary of the points raised:

5.2 ***An isolated form of development is not acceptable and similar stand alone development have been refused planning permission on nearby sites***

Response

The proposed dwelling would be positioned immediately adjacent to the existing care home development at 145 Howard's Grove and as such would not appear as an isolated feature within the street.

5.3 ***The dwelling would be too close to the side boundaries with 68 and 72 Shirley Avenue and would therefore appear out of keeping with the surrounding area.***

Response

The spacing between the dwelling and the side boundaries would enable a degree of spacing between buildings themselves which is typical of the surrounding area. For example, were the land to the rear of 68 Shirley Avenue developed in a similar manner to the current proposal, the spacing between these properties would be the same as currently exists between the existing properties of 68 and 70 Shirley Avenue. Moreover, the dwelling would occupy a similar position to that of the dwelling approved under application 09/01154/FUL

5.4 ***It would not be practical to move the bins from the rear of the site meaning that they would get left to the front to the detriment of the setting and appearance of the property and the street scene. The integral garage is not sufficiently wide to park a car and leave sufficient space to manoeuvre a bin or cycle through the garage***

Response

A standard garage is 2.5 metres in width and 5 metres deep which enables an average size car to be parked within it and its doors opened. When measured internally, the proposed garage would be 3 metres wide and 6.4 metres deep. The Local Plan indicates that this is more than large enough to provide cycle storage within the garage. Moreover, the proposed garage size would enable a cycle or a refuse container to be moved passed a car parked within the garage.

5.5 ***There would be inadequate sightlines (33.7 metres shorter than the recommended distance) from the access to the detriment of highway safety. Furthermore, on-street car parking would further reduce visibility from the proposed access.***

Response

The proposed vehicle access be positioned slightly closer to the boundary of 68 Shirley Avenue than the existing access, but leaves over two metres separation to the boundary with the neighbouring property to provide adequate visibility from the site access. The access would benefit from good visibility looking towards the junction with St James Road. The access will provide adequate forward visibility of pedestrians using the footpath, and adequate visibility of approaching cars in Howards Grove. The required sight line of a domestic access is measured 2 metres back from the kerb edge, which is the width of a standard footpath. The sightlines

have been re-checked by the Council's Highways Officer and no objection has been lodged.

5.6 ***The development involves 'garden grab' which is no longer acceptable***

Response

The proposal would involve the development of garden land which has been recently removed from the definition of previously developed land by the 2010 update to PPS3: Housing. Whilst the priority for development is still previously development land, this does not completely preclude the development of garden land, but rather needs to be balanced against the impact on the character of the area and other planning policies which require the efficient use of the land to provide housing.

5.7 ***The proposal would have a harmful impact on 72 Shirley Avenue due to the close proximity to this property***

Response

It is noted that the care home at 72-76 Shirley Avenue has a large, single-storey extension to the rear and at ground floor the separation distance of 17 metres would be less than the 21 metres recommended by the Residential Design Guide (RDG). However, the proposed dwelling would be positioned at an angle to the neighbouring care home and not directly face the property and as such the RDG separation distances can be applied more flexibly. There would be oblique views of the development from the neighbouring extension and therefore the relationship is not considered to be harmful. Furthermore, since the extension to the rear of 72-76 Shirley Avenue is single-storey, securing rear boundary treatment by planning condition would mitigate any impact on privacy. Moreover, the relationship of the proposed dwelling with the neighbouring care home remains unchanged from that approved under application 09/01154/FUL.

5.8 ***The rear garden to serve the proposed dwelling is inadequate and the remaining garden that would serve the original dwelling would not reflect the surrounding area***

Response

The dwelling would be served by a dwelling of approximately 90sq.m in area and 10 metres in depth with a southern aspect. This complies with the amenity space standards set out in the Residential Design Guide and is considered to be fit for purpose. Whilst cycle and refuse storage would be accommodated within this space, these comparatively small structures would not significantly deplete the amount of available space or render the garden unusable. Furthermore, the integral garage is large enough to serve the storage and parking needs of the dwelling should future occupiers wish to maximise the amenity space area. The amenity space that would remain to serve the original dwelling would exceed the Council's amenity space standards and the manner in which the plot would be subdivided would reflect the pattern of development to the south-west of the site and therefore not appear out of keeping. It is also important to note that the level of amenity space provision remains as approved under application 09/01154/FUL.

5.9 ***The proposed dwelling would be out of keeping with the neighbouring care home development and the more traditional development within Howard's Grove***

Response

Howards Grove has a mixed character. The application site lies within an area of transition from the denser character of numbers 137 Howards Grove

downwards to the more suburban character of the north end of the street. The chosen design approach refers to the more suburban properties to the north-east of the site and that which is typical of the surrounding area.

5.10 ***The main access to the dwelling is within the side elevation and this is contrary to the guidance contained within the Residential Design Guide***
Response

The main entrance to the dwelling will still be clearly visible from the street and so will not increase opportunities for crime or anti-social behaviour. Furthermore, the front elevation of the property will remain suitably active and therefore the re-position of the front door is acceptable in design terms.

5.11 ***The proposed frontage boundary treatment would not be in keeping with the rest of the street***
Response

A condition is suggested to secure details of the frontage boundary treatment. It is envisaged that this would be a low level of brick wall typical of what can be found elsewhere in Howards Grove and the surrounding area.

5.12 ***The proposed development would appear cramped within its plot and would not visually improve the street scene***
Response

The footprint of the dwellings in relation to the plot size ensures that the plot would not appear over-developed; the soft landscaping to the frontages, set backs from the front boundary and spacing from the neighbouring residential development would ensure that the dwellings would not appear cramped when viewed from Howard's Grove. It is considered that the introduction of an active frontage to Howard's Grove would be a positive addition to the street, by replacing the high boundary fencing and creating a traditional street scene. Furthermore, the footprint to plot relationship is similar to that already approved under planning application

5.13 ***The development includes an additional bedroom when compared with the previous scheme and would generate additional traffic and overspill parking on surrounding roads***
Response

The application site lies within Public Transport Accessibility Level 3 (Medium Accessibility) and as such the maximum number of car parking spaces permitted is one. The application proposes a garage space and a frontage parking space which is in excess of the adopted car parking standards but due to local concerns with parking and highways, this excess is considered to be acceptable.

5.14 ***The proposed access is not in the same location as the existing vehicular access into the site***
Response

The proposed access is approximately 2 metres closer to the boundary with 68 Shirley Avenue than the existing access.

5.15 **SCC Highways** - The proposal has addressed the previous reason for refusal associated with planning application 10/00741/FUL. The integral garage can accommodate cars and cycles and refuse containers. Moving the vehicular access further away from the boundary with 68 Shirley Avenue would secure the necessary advance visibility of pedestrians on the adjacent footway.

5.16 **Southern Water** – No objection. Suggests an informative to make the developer aware that a formal application to connect to the public sewerage system is required.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. Principle of development;
 - ii. Design;
 - iii. Residential amenity;
 - iv. Residential Standards; and
 - v. Highways and parking.

6.2 Principle of Development

6.2.1 The proposal would involve the development of garden land which has been recently removed from the definition of previously developed land by the recent update to PPS3: Housing. PPS3 indicates that the priority for development is previously developed land. However, that is not to say that development on garden land is harmful per se, but rather it needs to be balanced against the impact of the development on the character of the area and other planning policies which require the efficient use of land to provide housing. Furthermore, a significant consideration of this proposal is that the planning permission exists to develop this and the neighbouring plot for housing purposes and this planning permission can still be implemented. As such, the main assessment should be whether the differences between the approved scheme and the current scheme are acceptable in planning terms.

6.2.2 The density of the proposed development, at 50 dwellings per hectare would be appropriate for this area of medium accessibility and the provision of a family dwelling is still welcomed.

6.3 Character and Design

6.3.1 If this scheme were to be approved, there would be no guarantee that the neighbouring plot to the rear of 68 Shirley Avenue would come forward for development in the future. However, whilst this application would enable the land to the rear of 70 Shirley Avenue to be developed in isolation to the neighbouring site at 68 Shirley Avenue, the proposed dwelling would be viewed in the context of the neighbouring care home development at 145 Howards Grove and as such would not appear as an incongruous form of development within the street.

6.3.2 A similar design approach has been chosen to the earlier approved scheme albeit with some alterations necessitated by the increase in garage width. The proposed scale, massing and design approach would reflect the appearance of properties to be found within the vicinity of the site. The integral garage would still appear suitably subordinate to the main dwelling house with a significant set back from the front building line and a lower ridge height than the main house. As such, it is considered that the increase width of the garage element would not adversely affect the balance and appearance of the property.

6.3.3 Despite the alterations to the fenestration, the front elevation of the property would have a balanced composition in relation to neighbouring development. The dwelling would create an active frontage to Howard's Grove and the use of the front bay window feature would ensure that the front elevation remains legible. The proposal therefore accords with policy CS13 of the Core Strategy and current design guidance.

6.4 Residential Amenity

6.4.1 The proposal remains unchanged in this respect from the previously approved scheme. The scale and massing of the proposed dwelling combined with the separation between it and the neighbouring properties would not have a harmful impact on the amenities of the neighbouring residential occupiers.

6.5 Residential Standards

6.5.1 The 2010 approval provided access to the cycle and refuse store at the rear of the site via an path to the side of the dwelling, which would be shared with the dwelling approved to the rear of 68 Shirley Avenue. Condition 09 of the planning permission required the shared access path to be made available for use before either of the dwellings first came into occupation. This shared element also meant that neither of the dwellings could be constructed in isolation of one another.

6.5.2 The reason for this condition was to ensure that occupants would be able to move refuse containers and cycles to and from the public highway. Without this provision, refuse containers would be likely stored on the property frontage and cycle storage would be unlikely to be used.

6.5.3 The widened garage would provide the requisite 900mm gap between a parked car and the wall of the garage to enable bins and bikes to be moved through the garage to the front of the site. This would provide convenient access to the cycle and refuse storage to the rear of the site. The internal dimensions of the proposed garage exceed that recommended by the Local Plan (and confirmed by paragraph 8.3.41 of the Manual for Streets) to accommodate cycle storage and car parking, and as such, it is considered that this aspect of the reason for refusing application 10/00741/FUL has been addressed.

6.6 Highways and Parking

6.6.1 The main consideration in this respect is whether developing the plot in isolation would result in any new highway safety issues and whether the revised location of the proposed access is acceptable or not.

6.6.2 The approved scheme for two houses positioned the two points of access immediately next to each other in order to maximise visibility across the two sites. The scheme refused last year, retained the access in the same positioned as the approved scheme. This however, was not acceptable in highway safety terms since the development of a plot in isolation would not have provided adequate visibility from the original point of access.

6.6.3 As such, the access has been repositioned to pull it away from the boundary with No 68 Shirley Avenue. This would provide visibility from the access across the front boundary of the site itself. Furthermore, should the neighbouring site come forward for development in the future, a similar inter-visibility across the two plots to the approved scheme could still be achieved.

7.0 Summary

7.1 The proposed development would make good use of the site to provide family housing. The proposal has addressed the previous reason for refusal and the construction of a single dwelling to the rear of the existing property is acceptable in planning terms.

8.0 Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

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) 4 (f) 6 (c) (i) 7 (a) (b) (e) (o) 9 (a)

JT for 15/02/11 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02.APPROVAL CONDITION - Details of External Materials [pre-commencement condition]

Notwithstanding the submitted information, no development shall take place until details (and samples where required) of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. These details shall include bricks, mortar, roof tiles, cladding and fenestration. The development shall be carried out in accordance with the approved details.

Reason:

In the interests of ensuring that the new development is constructed in accordance with the submitted details and to secure a harmonious form of development.

03.APPROVAL CONDITION – Boundary Treatment [pre-commencement condition]

Prior to the commencement of the development hereby approved, details of the boundary treatment shall be submitted to the Local Planning Authority for approval in writing. The details shall include a low wall (no more than 600 mm in height) to the front curtilage of the properties and boundary treatment to the side and rear of the properties of no less than 1.8 metres in height. The boundary treatment shall be implemented as approved prior to the development first coming into occupation and thereafter retained as approved.

Reason:

To secure a satisfactory form of development

04.APPROVAL CONDITION - Landscaping Details [pre-commencement]

No development shall take place until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The submitted details shall include:

- i. hard surfacing materials, structures and ancillary objects (including lighting); and,
- ii. 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.

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.

05.APPROVAL CONDITION - Landscaping Implementation [Performance condition]

The hard and soft landscaping works shall be carried out in accordance with the details approved in the above planning condition. The works shall be carried out before any of the development is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

Reason:

To ensure that the works are carried out as approved in the interests of the visual amenities of the area.

06.APPROVAL CONDITION - Landscaping replacement [performance condition]

If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason:

To ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme.

07.APPROVAL CONDITION - Sightlines specification [Pre-Commencement Condition]

Sight lines in the form of a 2 metre strip measured from the back of footway shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (as amended) no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays.

Reason:

To provide safe access to the development and to prevent congestion on the highway.

08.APPROVAL CONDITION – Parking and Access [pre-occupation condition]

Prior to the occupation of the development hereby approved both the access to the site and the parking spaces for the development shall be provided in accordance with the plans hereby approved. The parking shall be retained for that purpose and not used for any commercial activity.

Reason:

To ensure a satisfactory form of development

09.APPROVAL CONDITION - Removal of Permitted Development Rights [performance condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), E (outbuildings, enclosures or swimming pools) and F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

Reason:

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

10.APPROVAL CONDITION – No other windows [performance condition]

No other windows, doors or openings shall be constructed above first floor level in the side elevations of the dwelling hereby approved.

Reason:

In the interests of the privacy of the neighbouring properties

11.APPROVAL CONDITION - Cycle Storage [performance condition]

Cycle storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the plans hereby approved. The cycle storage shall be thereafter retained.

Reason:

In the interests of the visual appearance of the building and the area in general and to promote alternative modes of travel to the private car.

12.APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

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

13.APPROVAL CONDITION - Refuse & Recycling Bin Storage [Performance condition]

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the plans hereby approved. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes. Except for on collection days, no refuse storage shall take place to the front of the property.

Reason:

In the interests of the visual appearance of the building and the area in general.

14.APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

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

Reason:

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

15.APPROVAL CONDITION - Hours of Construction Deliveries [Performance condition]

In connection with the implementation of this permission any deliveries relating to the demolition and construction works, shall not take place between the hours of 08:30 and 09:00 and 15:00 and 16:00 Monday to Friday or outside the hours of 8am and 6pm Mondays to Fridays and 9am and 1pm on Saturdays. Deliveries shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority.

Reason:

To protect local residents from unreasonable disturbances from works connected with implementing this permission and to prevent construction traffic from arriving during school rush hour.

16.APPROVAL CONDITION - Hours of Construction[Performance condition]

In connection with the implementation of this permission any demolition, conversion and construction works, shall not take place outside the hours of 8am and 6pm Mondays to Fridays and 9am and 1pm on Saturdays. Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the

buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

17. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]

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 Statement (CMS) for the development. The CMS 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 CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

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

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

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least [the percentage required by core strategy policy CS20] in category Ene1, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction assessment and certificate as issued by a legitimate Code For Sustainable Homes certification body.

Reason:

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

20. APPROVAL CONDITION - Use of garage - domestic ancillary use [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house and associated ancillary storage relating and incidental to the enjoyment of the occupation of the dwelling house. At no time shall the garage be used for the parking of commercial vehicles or used for any trade, business, manufacturing or industrial

purposes whatsoever and shall not be incorporated into the house as part of the domestic living accommodation.

Reason:

To ensure that sufficient off-street car parking is available in the interests of highway safety and to protect residential amenity.

21.APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

| | |
|------|---|
| CS4 | Housing Delivery |
| CS6 | Housing Density |
| CS13 | Fundamentals of Design |
| CS19 | Car & Cycle Parking |
| CS20 | Tackling and Adapting to Climate Change |

City of Southampton Local Plan Review – (March 2006)

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| SDP1 | Quality of Development |
| SDP4 | Development Access |
| SDP5 | Parking |
| SDP7 | Urban Design Context |
| SDP9 | Scale, Massing & Appearance |
| SDP10 | Safety & Security |
| SDP13 | Resource Conservation |
| SDP14 | Renewable Energy |
| H1 | Housing Supply |
| H7 | The Residential Environment |

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)

PPS3 Housing (November 2006)

PPG13 Transport (January 2011)

PPS22 Renewable Energy (August 2004)

Relevant Planning History

09/01154/FUL Conditionally Approved 27.01.10
Erection of 2 x three-bed detached dwellings with parking and associated storage accessed from Howards Grove

10/00741/FUL Refused 20.08.10
Variation of condition 09 (shared access path) of planning permission ref 09/01154/FUL to enable the dwelling to the rear of No 70 to be occupied before the shared access is made available for use

01.
REFUSAL REASON – Poor Quality Residential Environment and Highway Safety

The proposed variation of condition 09 to planning permission 09/01154/FUL would prevent prospective residents of the approved dwelling from having direct and convenient access from the public highway to the approved refuse storage and cycle storage. The integral garage is not wide enough to accommodate a car and enable bins and cycles to be moved through it to the public highway and does not provide a suitable alternative solution. Instead, this alternative suggestion would create a poor quality residential environment resulting in refuse containers being left on the site's frontage for ease of use. Furthermore, the lack of a conveniently accessible cycle storage will not assist the Council in promoting alternative modes of travel to the car as required by PPG13. It should also be noted that the sub-division of the development into 2 parts is at odds with Condition 7 that requires adequate sightlines to be provided to serve both parking spaces resulting in the need for a comprehensive approach to the redevelopment of this site. As such, and following an objection from the Council's Highways DC Officer, the application to vary Condition 09 has been assessed as harmful and would prove contrary to the provisions of policy CS19 of the Southampton Local Development Framework Core Strategy Development Plan Document (January 2010), "saved" policies SDP1 and SDP5 of the City of Southampton Local Plan Review (March 2006) and sections 5 and 9 of the Council's approved Residential Design Guide Supplementary Planning Document (September 2006).

Other Relevant Applications Within Shirley Avenue

Land Rear Of 82 And 86 - 88 Shirley Avenue

09/01213/FUL Conditionally Approved 22.03.10
Erection of 3 x 2-storey detached houses with integral garage (2 x 2 bed and 1 x 3 bed) with associated parking and storage

88 Shirley Avenue History

07/00292/FUL Refused 24.04.07 and Appeal Dismissed
Erection of pair of two-storey semi-detached dwellings

07/01392/FUL Withdrawn 01.11.07
Erection of 1 x four-bed dwelling with integral garage and associated bin and cycle storage on land to the rear of 88 Shirley Avenue with access onto Howards Grove

07/01725/FUL Refused 23.01.08
Erection of a four-bed detached dwelling with integral garage. (Revised resubmission following the withdrawal of planning application reference 07/01392/FUL)

08/00768/FUL Non-determination Appeal Dismissed 24.07.09
Erection of four-bed detached dwelling with integral garage on land rear of existing property.

08/01479/FUL Refused 15.04.09
Erection of a new four bedroom detached dwelling with integral garage on land rear of existing property (resubmission 08/00768/FUL)

86 Shirley Avenue
07/00060/FUL Withdrawn 01.03.07
Erection of a 2 x three bedroom, semi-detached dwelling houses with associated cycle/bin stores on land to the rear of the existing property

07/01411/FUL Withdrawn 01.11.07
Erection of a four-bed detached dwelling with associated parking and vehicular access

07/01726/FUL Withdrawn 15.01.08
Erection of a four-bed detached dwelling with integral garage (revised resubmission following withdrawal of application reference 07/01411/FUL)

09/00049/FUL Withdrawn 04.03.09
Erection of a 2-storey, 4-bed detached house, with integral garage on land to the rear of 86 Shirley Avenue with associated bin/cycle storage

86-88 Shirley Avenue:

07/00740/FUL Refused 23.07.07
Erection of a terrace of 4 no fours bedroom dwellings with rooms in the roof space and associated bin/cycle storage and parking

82 Shirley Avenue:
08/00372/FUL Withdrawn 15.07.08
Erection of 2 no. two-storey semi-detached houses with associated bin/cycle storage

08/01319/FUL Refused 05.11.08 and Appeal Dismissed
Erection of 2 x two storey semi detached houses with associated bin/cycle storage.
(Resubmission of 08/00372/FUL)

09/01022/FUL Refused 19.11.09 and Appeal Dismissed
Erection of detached 3 x bed dwelling with access from Howards Grove, after demolition of existing detached garage



10/01749/FUL

Scale : 1:1250

Date :01 February 2011

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