

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 21st June 2011
Planning Application Report of the Planning and Development Manager

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| Application address: 36 Tamarisk Gardens | | | |
| Proposed development: Erection of a 2-bed bungalow with associated parking and cycle/refuse storage | | | |
| Application number | 11/00608/FUL | Application type | FUL |
| Case officer | Bryony Giles | Public speaking time | 5 minutes |
| Last date for determination: | 07.06.2011 | Ward | Bitterne Park |
| Reason for Panel Referral: | Ward Councillor request | Ward Councillors | Cllr Baillie Cllr White Cllr Williams |

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| Applicant: Mr D Price | Agent: Concept Design & Planning |
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| Recommendation Summary | Conditionally approve |
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| Appendix attached | | | |
| 1 | Development Plan Policies | 2 | Planning History |
| 3 | Appeal decision | | |

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 21.06.11 do not have sufficient weight to justify a refusal of the application. The proposal has addressed the previous reasons for refusal and appeal decision and where appropriate planning conditions have been imposed to mitigate any harm identified. The proposal would be acceptable in character and design terms and not harm the amenities of the neighbouring occupiers. The parking and access arrangements are also acceptable. 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.

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The site forms part of the garden space of 36 Tamarisk Gardens which has been subdivided into a separate plot. The site is currently bounded by 2 metre high close boarded wooden fencing and is overgrown with vegetation. The land itself slopes significantly downwards from Midanbury Lane into Tamarisk Gardens.
- 1.2 The surrounding area is predominantly residential and although the character of properties varies, they are typically two-storey in scale and interspersed with mature trees and hedgerows, providing a green setting to development.
- 1.3 A mature beech tree covered by a Tree Preservation Order (TPO) used to exist on the eastern end of the site but was confirmed to be diseased. Consent for its felling was granted in 2009. That tree no longer exists on the site.

2. Proposal

- 2.1 The application seeks full planning permission for a single-storey, two-bedroom property. The property would have a contemporary appearance with a simple, flat-roof design, whose elevations would be articulated with elements of timber panelling. It would also have a stepped appearance, as the built form responds to the change in land levels. The property would provide single-aspect accommodation which would front Tamarisk Gardens and the dwelling would incorporate a sedum roof.
- 2.2 One car parking space would be provided to the front of the dwelling which would be accessed from Tamarisk Gardens. An integral store is provided for refuse and cycles. Approximately 76 sq.m of amenity space would be provided to the front of the property.
- 2.3 The application is a resubmission of application 08/01350/FUL which sought permission for a detached three-bedroom property. The proposal seeks to address the previous reasons for refusal under application 08/01350/FUL. The key differences between the schemes are listed as follows:
 - An area of 80sq.m to the west side of the site will be given over to the use of the neighbouring property at No. 36 Tamarisk Gardens (A 'Grampian' style condition is proposed to secure that);
 - The footprint of the dwelling has been reduced by approximately 20 sq.m and the position of the dwelling has been altered;
 - A car port to the front of the property has been omitted from the scheme;
 - The stand alone structure for bin and bike storage on the property frontage has been omitted and;
 - The parking space has been relocated to the western side of the site.

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). Before permission was given to develop what is now the four house known as 33-36 (consecutively) Tamarisk Gardens, the site (including the current application site) was occupied by a private nursery school.
- 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).
- 3.9 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The

Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

4.0 Relevant Planning History

- 4.1 There have been a series of planning applications submitted seeking consent for residential development on the site. The details of these applications are included in **Appendix 2** of this report.
- 4.2 Earlier applications for the development of the site for flats have included the land to the west of the site which now contains properties 33 to 36 Tamarisk Gardens. Planning permission for the properties 33 to 36 Tamarisk Gardens was granted in 2005 (application 05/00056/FUL refers). The current application site was shown to be garden land associated with 36 Tamarisk Gardens. The subsequent sub-division of the application site does not negate the use of the application site as a private garden, as permitted by 05/00056/FUL.
- 4.3 Following this approval, in May 2005 an outline application was received to develop the current application site for two chalet bungalows. This was refused under delegated powers on 8 July 2005 (application 05/00712/OUT refers). This was followed by an application for a single, two-storey dwelling on the site which was also refused planning permission.
- 4.4 In 2006 planning permission was sought for a single chalet bungalow on the site. This was refused by the Planning and Rights of Way panel for the loss of the garden land associated with 36 Tamarisk Gardens and harm to the character of the area. This application was subsequently dismissed at appeal and the Inspector's decision is included in **Appendix 3** of this report. In dismissing this appeal, the Inspector found that the proposal would be harmful by reason of the following points:
- The scheme would leave insufficient amenity space to serve 36 Tamarisk Gardens;
 - It would provide poor quality amenity space for the future occupants of the proposed dwelling;
 - The development would have a harmful impact on the occupants of High Point by reason of its height and bulk and;
 - The proposed building was insufficiently set back from the road would therefore appear out of keeping with the area and the open nature of the corner.
- 4.5 A subsequent planning application was refused in 2006 for similar reasons to those made by the planning inspector (application 06/01852/FUL refers).
- 4.6 More recently, in 2008 a fresh application was submitted for the erection of a single storey 3 bedroom house at the side of 36 Tamarisk Gardens which would be built into an excavated site. This application was refused under delegated powers for failing to leave sufficient amenity space to serve 36 Tamarisk Gardens (application 08/01350/FUL refers).

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 21.04.2011 and 05.05.2011. At the time of writing the report **18** representations have been received from surrounding residents. The responses are summarised as follows:

5.2 ***The dwellings at High Point will be overlooked by the proposal leading to a loss of privacy to the occupants of High Point.***

Response:

The proposed dwelling would have single-aspect accommodation which would overlook the amenity space area at the front of the site and Tamarisk Road itself. A condition is suggested to prevent any windows being placed in the north or west elevations of the proposed building.

5.3 ***There remains a safety issue at the junction of Midanbury Lane and Tamarisk Gardens. Further traffic at this steep and acutely cambered junction will only become more hazardous. Furthermore, the proposal should take into account the safety of pedestrians particularly children.***

Response:

An amended plan has been submitted which slightly repositions the car parking space and the visibility splays from the access. The access will provide adequate forward visibility of pedestrians using the footpath, and adequate visibility of approaching cars. 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. Within the visibility splay no planting or boundary treatment is permitted above 600mm in height to provide adequate visibility of all road users. The sightlines have been checked by the Council's Highways Officer and no objection has been lodged.

5.4 ***The proposal will result in an increase in on street parking which is already limited.***

Response:

The application site lies within an area of Medium Accessibility to public transport (Public Transport Accessibility Level 3) and the provision of 1 off-road car parking space is the maximum number of spaces permitted in this location.

5.5 ***There appears to be a discrepancy between the heights of the fences shown between the proposed dwelling and High Point.***

Response:

The boundary treatment between the application site and High Point is proposed to be 1.8 metres in height from the ground level, taking into account the slope of the land. A condition is suggested to ensure that the boundary treatment is erected as approved.

5.6 ***Given the limited amenity space for the new property, can assurance be given that there will be no further extension to the living space of the property in the future?***

Response:

A condition is suggested to remove the permitted development rights from the property, to ensure that no extensions could be carried out to the property without first requiring planning permission.

- 5.7 ***The land is amenity space which should be kept as such, particularly as the adjacent properties are family dwellings.***

Response:

A section of the site is intended to be given over to the neighbouring property at 36 Tamarisk Gardens to ensure that the level of amenity space associated with this property, accords with the Council's adopted amenity space standards.

- 5.8 ***The style of the proposed building is not in keeping with the surrounding area.***

Response:

The proposed dwelling would have a contemporary appearance which is supported by the Council's Residential Design Guide Supplementary Planning Document. The submitted details indicate that a high quality design would be achieved. The low-rise nature of the dwelling, together with its set back from the front boundary, would ensure that it would appear as an unobtrusive addition in the street scene.

- 5.9 ***The light to the ground floor of High Point will be restricted. It is not believed the plans are accurate in either height or scale or the proposed buildings.***

Response:

There would be approximately five metres separation between the south facing elevation of High Point and the rear elevation of the proposed dwelling. The proposed dwelling however, is built into the slope of the site which ensures that it would be just 500mm higher than the boundary treatment between the two sites, constructed under permitted development. The application is accompanied by site sections which demonstrates that the proposal would comply with guidelines in relation to outlook from and daylighting to habitable room windows. It is considered therefore, that the proposal would not have a detrimental impact on the occupiers of High Point.

- 5.10 ***The site has been previously considered too small, or the wrong shape and too steeply sloped to build on.***

Response:

The current proposal has been designed having regard to the complex planning history of the site and the constraints of the site itself. The design has evolved from the previous refusals taking into account the reasons for refusals and the reasons for the previous planning appeal being dismissed. It is now considered that the previous issues have been overcome by this latest proposal.

- 5.11 ***Insufficient notification of the application has been given to the properties nearby the application site.***

Response:

The Council has posted two site notices in the vicinity of the site and extended the neighbour notification exercise to include all those who have previously shown an interest in applications at this site.

5.12 Consultation Responses

5.13 **SCC Highways** - No objection.

5.14 **SCC Trees** - No objections. Suggest the imposition of a condition to secure replacement tree planting for a beech tree which was granted removal in 2009. This is discussed in more detail in paragraphs 6.3.1 and 6.3.3 below.

5.15 **SCC Sustainability Team** - No objection. The developer has shown a commitment to comply with policy CS20 of the Core Strategy and a planning condition is suggested to secure this.

5.16 **SCC Environmental Health (Pollution & Safety)** – No objection. Recommend conditions to minimise disruption during the construction process.

5.17 **SCC Environmental Health (Contaminated Land)** - No objection. Recommend conditions requiring land contamination investigations to take place prior to the commencement of development. Similar conditions were not imposed at the time of permission 05/00056/FUL. However, given that the current application site was used as the contractor's yard when 31-36 were built out and given the intrusive nature of excavation to sink the proposed dwelling into the site a condition relating to the discovery of unsuspected contamination and requisite remediation is considered appropriate.

5.18 **SCC Ecology** – No objection. The proposed development is unlikely to have any impact on local biodiversity. No conditions are suggested.

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;
- v. Highways and parking; and,
- vi. Sustainability.

The proposed scheme has to be assessed in terms of the key issues (identified above) together with planning history of the site and whether the proposed development is acceptable in terms of the provisions of the Local Plan and the Council's supplementary planning guidance.

6.2 Principle of Development

6.2.1 The proposal would involve the development of land permitted to be used as a private garden, 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. This is discussed in more detail in relation to the character of the area, below.

- 6.2.2 The density of the proposed development, at 28 dwellings per hectare would be appropriate for this area of medium accessibility and the provision of a dwelling capable of occupation by a small family is welcomed.

6.3 Character and Design

- 6.3.1 The current application proposes a low-rise, green-roofed structure which is set back between four and seven metres from the front boundary with Tamarisk Gardens, enabling the incorporation of a substantial soft landscaped frontage. In addition to this, a replacement protected tree and soft landscape treatment would be provided to the eastern corner of the site, which would ensure that verdant and open character of this corner site would not be adversely affected by the development proposal. The footprint of the proposed building would occupy approximately 30% of the site area and would also assist in the site retaining a low density and suburban appearance at the entrance to Tamarisk Gardens. As such, it is considered that the proposal has addressed the previous comments made by the Planning Inspectorate in relation to the character of the area.
- 6.3.2 The application proposes a contemporary design solution which has evolved to have a minimal impact on the amenities of the neighbouring properties and to ensure that this corner site is not dominated by built form. Having regard to the constraints of the site, the innovative design approach is supported and it is considered that plans indicate that a high quality design appearance can be achieved. As such, whilst the property would have a different appearance to the existing local vernacular, it is not considered that this unique approach to the site would be harmful to the character of the area.
- 6.3.3 A diseased beech tree on the site which was subject to a Tree Preservation Order, was granted consent to be felled in 2008 and has been since removed, although not replaced as required by a replacement planting notice. The Council's Tree Officer is satisfied that the current planning proposal would enable the requisite replacement tree planting to be accommodated on the eastern corner of the site and a condition is suggested to secure this. It is proposed that a more informal boundary treatment will be provided adjacent to the replacement tree, to enable it to form part of the street scene in a similar manner to the tree which was removed on safety grounds.

6.4 Residential Amenity

- 6.4.1 Since the application site was intended to serve as amenity space to serve 36 Tamarisk Gardens, previous reasons for refusal have centred on the insufficient amount of amenity space that would remain to serve this property. In order to address this reason for refusal, the footprint of the proposed dwelling has been reduced and its position has been altered to enable land directly adjacent to 36 Tamarisk Gardens to be provided as additional garden for this property. When taken with the existing amenity space provision that serves this property, a total of 100 sq.m of garden land would be provided and this exceeds the Council's adopted amenity space standards for family dwellings. The re-provision of the amenity

space to serve the occupiers of 36 Tamarisk Gardens is therefore considered adequate and addresses the previous reasons for refusal.

- 6.4.2 The current proposal offers a solution which will not impact on the amenities of the neighbours of the site. In terms of the relationship with “High Point” flats, which lie to the north of the site, since the proposed building would be built into the slope of the land, it would be no more than 500mm higher than the boundary treatment between the two sites. The flat roof design of the building minimises its bulk and massing, whilst the green roof softens its appearance and offers a more attractive outlook from the neighbouring dwellings and the street. The dwelling is orientated to overlook its amenity space to the front of the site and no windows are proposed in the side or rear elevations of the property. The proposal is therefore, considered not to have a harmful impact on the outlook, privacy and sunlight/daylight enjoyed by neighbouring occupiers.

6.5 Residential Standards

- 6.5.1 This revised scheme would provide approximately 76 sq.m of directly usable amenity space of useable amenity space (and 225 sq.m curtilage overall) is compliant with standards set out in the Residential Design Guide Supplementary Planning Document. The garden would benefit from a southerly aspect and to ensure the privacy of the space, a hedge will be planted along the pavement edge extending along the Tamarisk Gardens frontage to a point approximately 3m beyond the east flank wall of the proposed dwelling. In addition to this, the change in levels on the site with the boundary treatment would provide a private amenity space area for future residents of the site.
- 6.5.2 The habitable rooms within the dwelling would benefit from a good level of outlook and the set back of the property from the boundary with the street, combined with the proposed boundary planting would ensure occupiers of the dwelling itself would enjoy adequate privacy.
- 6.5.3 An integral store would be provided to accommodate cycles and refuse containers and there would be convenient access to the store from the dwelling and to the public highway.

6.6 Parking and Highways

- 6.6.1 The level of parking proposed complies with the Council’s adopted standards. Local Plan policy SDP5 confirms that car parking is a key determinant in the choice of the mode of travel and therefore the provision of one off-road car parking spaces would comply with current planning guidance in the form of PPG13: 'Transport', PPS1 'Delivering Sustainable Development' and PPS3 'Housing, which emphasises the need to reduce car dependence.
- 6.6.3 The provision of secure and convenient cycle storage would promote cycling as an alternative to the private car. The level of car parking proposed to serve the development is therefore considered to be acceptable.

6.7 Sustainability

- 6.7.1 A BREEAM pre-estimator summary has been provided by the developer. The following sustainable credentials of the development have been highlighted by the

agent:-

- The previously removed TPO tree will be replaced to provide shading and privacy to occupiers of the new dwelling;
- Being south-facing and single aspect the dwelling will benefit from passive solar gain;
- A green sedum roof is proposed, which with the 'soft' curtilage of the dwelling will naturally absorb the minimal surface water run-off from the dwelling;
- A minimum of 20% CO₂ savings will be achieved;
- Commitment is given to incorporate additional insulation into the building to raise the standard above current Building Regulation requirements;
- Commitment is given to specify 'A' rated electrical appliances;
- Commitment is given to use water efficient appliances and low water flow fittings;
- Commitment is given to incorporate facilities for rain water and/or grey water recycling in the form of one water butt collecting run-off from the roof;
- Commitment to use permeable paving in hard surfaced areas.

Notwithstanding the fact that no renewable or low carbon energy sources, other than a sedum roof, are proposed to be installed, provision of the above measures are considered acceptable to secure sustainable development of a single dwelling.

7.0 Summary

7.1 The proposal development makes good use of the site to provide housing and successfully responds to the constraints of the site without compromising the existing residential amenity of neighbouring dwellings. A high quality design is achieved which would retain the valued open characteristics of this corner site. The proposal has satisfactorily overcome previous reasons for refusal and is therefore, considered to be acceptable.

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)

BG for 21/06/2011 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 building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors 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.

Reason:

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

03. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

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 to ensure that the top of each flat-roofed part of the dwelling does not exceed the height of the common boundary fence with "High Point" flats by more than 0.5m at any point; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- 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 where appropriate including details of the front boundary planting and the green sedum roof;
- 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 (on an at least one-for one basis to replace the beech tree removed from the site in 2009);
- iv. details of any proposed boundary treatment, including retaining walls (including any retaining wall structure to be built as the common boundary with "High Point" flats to the north of the site); and,
- v. a landscape management scheme.

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.

The approved hard and soft landscaping scheme (including parking) 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.

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.

04. APPROVAL CONDITION - Code for Sustainable Homes Residential Development [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum Level 3 of the Code for Sustainable Homes, including at least 20% in category Ene1, in accordance with the submitted BREEAM pre-estimator summary assessment, 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. In particular, the sedum roof shall be provided to the dwelling hereby approved before the first occupation of the dwelling. Once provided, that sedum roof shall be maintained and retained at all times thereafter.

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).

05. APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

06. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

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.

07. 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. In particular, this condition is considered justified owing to the site's use as a site operative's yard during the construction of 31-36 Tamarisk Gardens under 05/00056/FUL and because of the intrusive excavation work proposed to sink the new dwelling into the existing site levels.

08. 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.

09. 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.

10. 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.

Reason:

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

11. APPROVAL CONDITION - Amenity space provision [performance condition]

Prior to the first occupation of the dwelling hereby approved three things shall occur:-

- (1) The fence currently erected along the line on the attached plan marked a-b shall be taken down.
- (2) The garden area to be given over to the curtilage of 36 Tamarisk Gardens, shown cross-hatched on the attached plan, shall be fenced off from the proposed dwelling and made available to occupiers of that property, prior to the first occupation of the new dwelling. Once made available to occupiers of No 36 Tamarisk Gardens for use as part of their private garden, that land shall be retained within the curtilage of No. 36 Tamarisk Gardens at all times thereafter.
- (3) The amenity spaces shown on the site plan and the pedestrian access to it for the proposed dwelling shall be made prior to the first occupation of the new dwelling hereby approved and shall be retained all time times thereafter.

REASON:

To ensure the provision of adequate amenity space in association with the approved dwelling and the existing dwelling at 36 Tamarisk Gardens.

12. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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 the dwelling house hereby permitted, or 36 Tamarisk Gardens, without the prior written consent of the Local Planning Authority:

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Class F (hard surface area)

Class H (microwave antenna)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the need to retain an adequately sized and usable private garden and amenity areas provided as part of this development in the interests of amenity of occupiers of the dwellings affected by these proposals and to preserve the visual amenities of the area.

This condition is also imposed to be consistent with condition 16 to permission reference 05/00056/FUL.

13. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows other than those

expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

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

The visibility splay from the vehicular shown on the plans hereby approved shall be provided before the development first comes into occupation, 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 600mm above carriageway level within the sight line splays.

Reason:

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

15. 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 space 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:

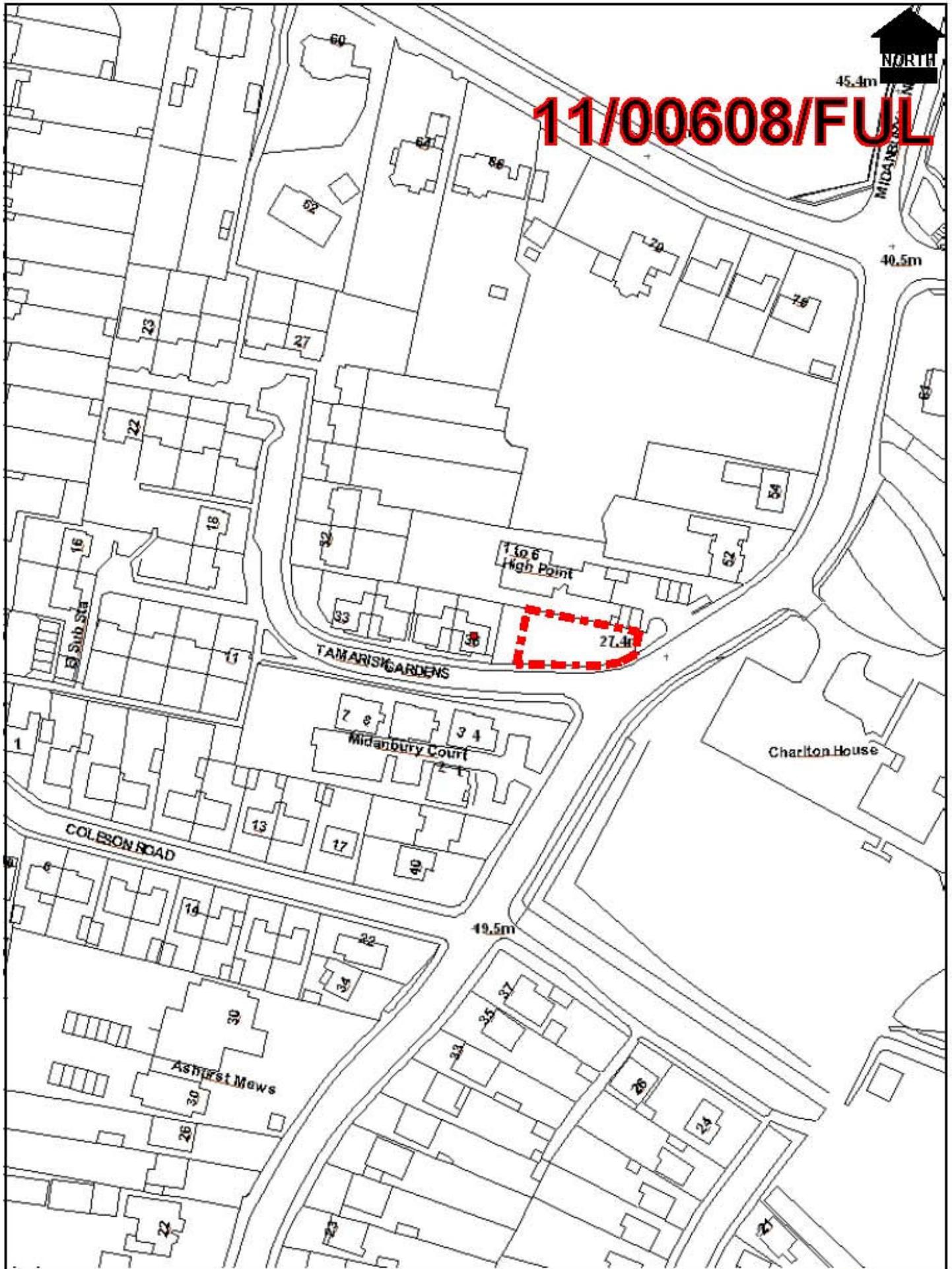
To ensure a satisfactory form of development

16. 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.



11/00608/FUL

Scale : 1:1250

Date : 07 June 2011

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