

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 19 January 2010  
 Planning Application Report of the Head of Division

Application address	Land rear of 82 and 86 - 88 Shirley Avenue		
Proposed development:	Erection of 3x2 Storey detached houses with integral garage (2 x 2 bed and 1 x 3 bed) with associated parking and storage		
Application number	09/01213/FUL	Application type	Full Detailed
Case officer	Jenna Turner	Application category	Q13 - Minor Dwellings

Recommendation Summary	<b>Delegate to Development Control Manager to grant planning permission subject to criteria listed in report.</b>
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Reason for Panel consideration	Due to the level of public interest and the planning history of the sites
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Applicant: Dasd Property Services Ltd, Mrs Baldwin and Mr Scott	Agent: Luken Beck Ltd 30 Carlton Crescent, Southampton
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Date of receipt	17/11/2009	City Ward	Shirley
Date of registration	17/11/2009	Ward members	Cllr Cooke
Publicity expiry date	06/01/2010		Cllr Dean
Date to determine by	12/01/2010 <b>OVER</b>		Cllr Matthews

Site area	673 sq.m (0.07 ha)	Usable amenity area	shown: between 98 and 123 sq.m
Site coverage (developed area)	between 23 & 31% developed by building	Landscaped areas	shown: between 112 and 133 sq.m
Density - whole site	42 d.p.h		

Residential mix	nos	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	2	84 sq.m	Commercial use	-	-
2-bedroom	1	113 sq.m	Retail use	-	-
3-bedroom	-	-	Leisure use	-	-
other	-	-	other	-	-
Policy designation					

Accessibility zone	low	Policy parking max	4.5 spaces
Parking Permit Zone	no	existing site parking	3 spaces
Cyclist facilities	yes	car parking provision	4 spaces
motor & bicycles	3 cycles	disabled parking	0 spaces

Key submitted documents supporting application			
1	Design and Access Statement	2	Planning Statement
3	Transport Statement	4	Aboricultural Impact Assessment
Appendix attached			
1	Planning History	2	Relevant Planning Policy
3	Suggested conditions		

**Recommendation in full**

Delegate the Development Control Manager to grant planning approval subject to:

1. the applicant entering into a Section 106 Legal Agreement to secure the widening of the footway in front of the application site to a width of 2m;

And that the D C Manager be authorised to refuse permission if the Section 106 Agreement has not been completed within two months of the Panel favourable decision whichever is agreed with the Council on the ground of failure to secure the provisions of the Section 106 Agreement.

### **Proposed Development & Surrounding Context**

The application site comprises the end sections of three rear gardens associated with 82, 86 and 88 Shirley Avenue which are detached two-storey dwelling houses. The site fronts Howard's Grove and all plots benefit from vehicular access from Howard's Grove. The rear boundaries are demarcated by 2m high concrete block and brick walls.

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; to the south-west of the application site and on the same side of the road, is a row of Victorian semi-detached properties which lie to the rear of 38 to 64 Shirley Avenue. The rear gardens of 68 to 90 (with the exception of nos. 72 to 76) have remained undeveloped, although many of these properties have garages and or parking spaces which are accessed from Howard's Grove. There is a tree subject to a Tree Preservation Order which lies adjacent to 86 Howard's Grove.

The high rear boundary treatment and ad-hoc garages and similar structures have a negative impact on the visual quality of Howard's Grove and create an uncomfortable pedestrian environment.

### **Relevant Planning Policy**

The planning policy to be considered as part of this proposal is scheduled in **Appendix 1** to this report.

### **Relevant Planning History**

The history of the site is attached in **Appendix 2** and relevant appeal decisions are included in **Appendix 3** to this report.

### **Consultation Responses & Notification Representations**

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report, **19** representations had been received from surrounding residents.

### Summary of Representations made

**Precedent** - If approved the proposal will set a precedent for the development of other rear gardens along Shirley Avenue which will adversely affect the character of the area.

**Garden grab character** - Developing the back gardens would have a harmful impact on the

## ITEM NO. 6

character of the area and on the environment. In previous appeal decisions the Planning Inspectorate has noted spacious character to the street scene at this point. The existing properties on Shirley Avenue will be less attractive as family dwellings and the proposal would increase the likelihood of properties on Shirley Avenue creating hard-standings to the frontages.

**Car parking** - The insufficient garage space width and the number of car parking spaces proposed is not sufficient to serve the size of the dwellings proposed which would increase on-road car parking which would represent an inconvenience to nearby residents and have an adverse impact on highway safety, including access by the emergency services.

**Highway Safety** - Poor visibility from the accesses would result in vehicles joining the carriageway from the parking spaces being difficult to spot by on-coming traffic or pedestrians. Adequate sight lines are not secured from site accesses due to the neighbouring 2m high boundary treatment. Lack of on-site turning means vehicles would have to back on to or off of the carriageway which would be dangerous. The highway survey undertaken by the applicant's is not reliable and contains factual errors, in particular the existing vehicular accesses are not used and the speed data collected was skewed by a parking of a vehicle adjacent to the application site. Furthermore, the previous planning inspector's comments relating to traffic speeds are cast in doubt by the more recent traffic survey. The proposal should improve the highway safety situation. Three dwellings would increase the vehicular movements from the sites and thereby have a harmful impact on highway safety.

**Visual Impact** - The proposed development would appear out of keeping with existing development and would create an unacceptable sense of enclosure in Howard's Grove The design is overly fussy and the plots would appear cramped.

**Privacy** - The new dwellings would result in overlooking of existing properties in St James Road, Howard's Grove and Shirley Avenue. The back-to-back distances at ground floor level between the development and 84 and 86 Shirley Avenue is at 17 metres less than the amount required by the Residential Design Guide.

**Loss of Light** - the proposal would result in a loss of daylight to properties opposite in Howard's Grove

**Outlook** - The proposed dwellings would appear oppressive when viewed from neighbouring properties in Shirley Avenue, Howard's Grove and St James Road.

**Drainage and Runoff** - The additional hard surfacing would result in drainage and flooding issues

**Amenity Space** - The rear storage areas depletes the amount of useable amenity space. The existing property at 86 Shirley Avenue is left with less than the required amount of rear amenity space (approximately 70sq.m in area and 7m deep)

**Access to rear** - The shared access path to the rear is not wide enough to enable access by wheelie bins or bicycles

**Overdevelopment** - The proposed dwellings would appear squeezed onto the plot and would not respect the rhythm of the street frontages within Howard's Grove. The amount of hardstanding would also result in the plot appearing over-intensively developed.

**Comprehensive Approach** - The proposal would not create a complete street scene and would look out of keeping with the more uniform development which surrounds the site.

Summary of Consultation comments

**SCC Highways Development Control** - No objection. Suggests a condition to ensure the access to the rear is retained as a shared pathway and to secure adequate sight lines. Further conditions are suggested relating to the hours of construction related deliveries and the materials to be used for the hard surfaced areas.

**SCC Environmental Health (Pollution and Safety)** - No objection subject to the suggested conditions

**Environmental Health (Contaminated Land)** - There is no indication of contamination on or adjacent to the application site. Environmental Health officers suggest an assessment is undertaken, however in the absence of evidence to indicate a presence of contamination, a condition is suggested to instead deal with unsuspected contamination.

**SCC Tree Team** - No objection. The proposal would not have an adverse impact on the adjacent protected tree.

**Architects Panel** (not in quorum) - Raise no issue with the proposal

**Southern Water** - No objection subject to the imposition of the suggested conditions

**Planning Consideration Key Issues**

The key issues for consideration in the determination of this planning application are:

- The principle of development
- Impact on the character of the area in terms of scale, design and visual impact
- The impact on the amenities of neighbouring occupiers
- The adequacy of the residential environment proposed

The key issues should also be assessed in light of the planning history of the sites.

1. Principle of development

The proposed development would result in the more efficient use of this brownfield site and as it is within 500m of Shirley Town Centre the principle of further residential development in this location is acceptable. The principle of residential development has been accepted by Planning Inspectors at land to the rear of both 82 and 88 Shirley Avenue (see decisions attached at **Appendix 3**). The application proposes a level of development which accords with the density requirements for this area. The additional family housing is welcomed.

2. Planning History

Initial applications relating to all three plots involved the construction of two semi-detached dwellings per plot. This was considered to be an over-intensive use of the plots which was evident in associated highway safety issues, a lack of useable amenity space and cramped design and appearance of the proposals. The Council's reasons for refusal were upheld at two separate appeals by the Planning Inspectorate (included as **Appendix 3**), although in the case of 82 Shirley Avenue, the inspectorate did not uphold the Council's reason for refusal in respect of insufficient car parking.

Subsequent applications proposed single dwellings per plot and the design and character of the dwellings were amended to reflect the suburban character of the area. The parking and access arrangements were also altered.

A further scheme at 88 Shirley Avenue was refused on the basis of the height of the dwelling (in particular the presence of a front facing dormer window) and on highway safety grounds. A subsequent appeal was dismissed and the principle reasons for dismissal are listed as follows:-

- It would be preferable to explore the possibility of including nearby land to create a more unified approach to the development
- The scale, height and proximity of the property including the prominent front dormer window would be out of character with the neighbouring development
- Given the isolated frontage to Howard's Grove the dwelling would appear unrelated to any other townscape feature in the locality and appear incongruous in the street scene.
- The height and dormer window is likely to adverse the privacy of 121 St James Road and would have an impact on outlook, although on their own this issue may not have been sufficient to withhold permission.

In addition to this, recently a further application at land to the rear of 82 Shirley Avenue has been refused under delegated powers given the stand alone nature of the dwelling.

### 3. Character of the area

The current application proposes dwellings which are 7m in height to the ridge; this is 1.9m lower than the last appeal scheme at 88 Shirley Avenue and 1m lower than the nearby residential properties on Shirley Avenue. The eaves height is the same as the properties on Shirley Avenue. The properties do not include accommodation within the roof space and a condition is suggested to remove permitted development rights to prevent accommodation being formed within the roof in the future. It is therefore considered that in terms of scale, height the proposed dwellings would be acceptable and the concerns raised in the appeal decision of the 24 July 2009 relating to scale and height is considered to have been addressed. In terms of the degree of enclosure to the street it is considered that the lesser height of the dwellings, the set back from the public highway and the soft landscaping would prevent an undue sense of enclosure to the street scene. Furthermore it is considered that by opening up the plots and removing the high unattractive boundary treatment would represent a marked improvement in street scene terms.

The applicants have chosen a traditional design approach which incorporates features which are common of the surrounding area including a hipped roof form, double-height bay window, porches and chimneys. The distance between the properties proposed to the rear of 86 and 88 with the northern side boundaries has also been increased by at least 0.6m to address the Inspector's comments in dismissing the most recent appeal at 88 Shirley Avenue. Spacing to the southern side of the dwellings to the boundaries would be between 1m & 3m to ensure that the plots do not appear cramped within the street scene. Typically properties within Howard's Grove and Shirley Avenue are built up to the boundary on one side and have between 1m & 2m spacing to the boundary on the other side. The frontage width of the property also relates to those found in the surrounding area and the buildings are positioned to respect the strong building line of properties 137 Howard's Grove downwards. A condition is suggested to secure low level brick boundary treatment to the front. It is therefore considered that the appearance of the dwellings would be sympathetic to the prevailing pattern of development within the locality of the site.

Having regard to concerns raised regarding the development of the rear gardens in Shirley Avenue, at paragraph 9 of the appeal decision of the 24 July 2009 the Inspector states that

the benefits of retaining the large gardens need to be balanced against the unattractive street scene created by the tall brick walls and entrance gates that front Howard's Grove and by the need to make more efficient use of urban land which falls within the definition of previously developed lands as specified by PPS3. At paragraph 10 the Inspector finds no objection to some development on land to the rear of 88 Shirley Avenue. In addition to this, paragraph 5 of the appeal decision of the 20 August 2009 also supports the principle of residential development on land to the rear of 82 Shirley Avenue.

In terms of the issue of precedent; each planning application is assessed on its own planning merits but notwithstanding this, such a precedent would not necessarily be harmful. From a visual point of view the introduction of an active frontage is preferable to the unattractive boundary treatment which currently exists. Highway officers have also indicated that the establishment of a row of similar dwellings would result in a betterment of the existing situation by creating a widened pavement, improved visibility and the regulation of the existing points of access. It is also noted that in dismissing appeals at nos 82 and 88 Shirley Avenue, the planning inspectorate has not found the issue of precedent as one being reason to dismiss the appeals; indeed the Inspector for 88 Shirley Avenue considered that a more comprehensive approach to development in this location would be preferable.

Paragraph 10 of the appeal decision of the 24 July 2009 states that whilst a comprehensive approach to the development of land to the rear of Shirley Avenue would be preferable, it would be likely difficult to achieve. A single application is proposed for three dwellings and whilst this is not comprehensive, the applicants have gone to lengths to fully explore delivering a comprehensive scheme on land to the rear of Shirley Avenue, including inviting the Council to use Compulsory Purchase powers and approaching the neighbouring land owners. In paragraph 10 of the appeal decision of the 24 July 2009 the Inspector also remarks that whilst the issue of comprehensive development was not raised during the earlier appeal scheme, that proposal at that time involved a pair of semi-detached housing. It is therefore considered that the proposal for three dwellings, of similar design and positioning on their respective plots would clearly relate to one another and better tie with the surrounding area, particularly the properties opposite and the proposed development to the rear of 68 and 70 Shirley Avenue.

#### 4. Residential amenity

The earlier appeal scheme at 88 Shirley Avenue have included a third level of accommodation within the roof-space. The planning inspector for 88 Shirley Avenue raised concerns about the impact that a taller dwelling would have on the neighbouring properties, although did not consider that this would be sufficient as a sole reason to withhold permission (paragraph 22 of the appeal decision for 88 Shirley Avenue in **Appendix 3** refers). The current proposal proposes dwellings which are almost 2m lower in height than the scheme dismissed at 88 Shirley Avenue and accordingly, the lesser height would have a significantly lesser impact on the surrounding properties. The proposal would not result in any loss of day-lighting or sun-lighting for neighbouring properties. In addition to this the third floor front dormer window has been omitted from the roof space which reduces any harmful overlooking of the properties opposite on Howard's Grove and the corner of St James Road.

It is noted that both 84 and 86 Shirley Avenue have single-storey extensions to the rear and would therefore be closer to the proposed dwellings. However, since the extensions are single-storey, rear boundary treatment secured by planning condition would assist in mitigating impact on privacy. A ground floor separation distance of 17m is considered to be acceptable in terms of outlook, particularly having regard to the lesser scale and massing of

the proposed dwellings. Furthermore, since the property at 84 Shirley Avenue is positioned at an angle to the application site any impact is lessened.

#### 5. Residential standards

The proposed dwellings would be served by rear gardens in excess of the amenity space standards suggested in the Residential Design Guide. Cycle and refuse storage can be accommodated within this space without significantly compromising the useability of the garden areas. The pathway to the rear gardens is of sufficient width to ensure that the cycle and refuse stores can be accessed and cycles and bins moved to the property frontage as required.

The amount of amenity space that would be left to serve the existing dwellings of 82, 86 and 88 Shirley Avenue would exceed the amount suggested by the Residential Design Guide to serve detached family houses. Although due to a single-storey rear extension, the property at 86 would be left with a 7m deep rear garden, the area and quality of the space is considered sufficient to meet the amenity space needs of the property. The properties could therefore continue to be able to be occupied as family housing.

#### 6. Highways and parking

Two of the proposed dwellings would be served by one off-street car parking space to be accessed from Howard's Grove and the other would be served by a garage and car parking space. This complies with the Council's adopted car parking standards and moreover it is noted that the appeal inspector when considering the scheme at 82 Shirley Avenue considered that a car-free residential development on Howard's Grove would be acceptable (please refer to paragraph 9 of the appeal decision for 82 Shirley Avenue in **Appendix 3**). The proposed garage is set back more than five metres from the edge of the footway which means a vehicle can pull fully off the road before entering the garage. The internal width of the garage is sufficient to enable a car to be parked and the doors opened once inside. All existing properties currently have off-road car parking to the front, accessed from Shirley Avenue.

Howard's Grove is an unclassified road and accordingly there is no requirement for the provision of on-site turning for a single point of access. The relatively low number of vehicular movements associated with the proposed dwellings would not significantly increase the existing traffic movements within Howard's Grove. Furthermore, all properties currently have vehicular access from Howard's Grove. The removal of the 2m high boundary treatment would represent a betterment in highway safety terms and a planning condition is suggested to secure low level front boundary treatment. In addition to this the Section 106 Agreement would secure public footpath widening in front of the dwellings.

Earlier appeal decision in which highway safety was upheld as a reason for refusal related to the proposal of two-dwellings per single plot. The subsequent appeal at 88 Shirley Avenue which proposed a single dwelling with an access and parking identical to this application and was not found to be detrimental to highway safety. Consequently the Council lost an award of costs against them.

#### Summary

The proposed development would provide three family sized homes within a sustainable location which would make efficient use of this brownfield site. The proposal has been designed to address previous reasons for refusal and comments that the planning inspectorate have made in dismissing appeals at 82 and 88 Shirley Avenue.

**CONCLUSION**

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 (c) (d), 3 (a), 6(l), 7 (a) (c), 8 (a) (j)

(JT 30.12.09)



**Application 09/01154/FUL - Shirley Avenue****Appendix 1****Relevant Planning History****68 - 70 Shirley Avenue**

09/01154/FUL

Pending Determination

Erection of 2 x three-bed detached dwellings with parking and associated storage accessed from Howards Grove

**88 Shirley Avenue History**

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.

The appeal decision is attached as **Appendix 3**

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):

01.

The proposed development would fail to enable vehicles to turn on the site or enter and leave the highway in a forward gear. Having particular regard to the narrowness of the Howard's Grove carriageway and the proximity of the junction with St James Road, the development would therefore be to the detriment of the safety and convenience of the users of the adjoining highway. Moreover, the development would set a clear precedent for similar developments in the vicinity of the site which would further impact on the safety of the Howard's Grove highway. The development would therefore prove contrary to the provisions of policies SDP1 (as supported by 5.1.14 to 5.1.15 of the Residential Design Guide 2006) and SDP4 of the City of Southampton Local Plan Review (Adopted Version March 2006).

02.

The proposed dwelling, by reason of its height would appear out of keeping with the other residential properties in the vicinity of the site. This impact is compounded by the insertion of a dormer window in the front roof slope which increases perceived bulk and height of the proposed dwelling when viewed from Howard's Grove and the surrounding residential properties. The development would therefore not be in accordance with policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Adopted Version March 2006) as supported by the relevant sections of the approved Residential Design Guide (2006).

03.

In the absence of a completed S.106 legal agreement to secure works to the public highway that facilitate this development the proposal fails to satisfy the provisions of policy IMP1 of the City of Southampton Local Plan Review (Adopted Version March 2006) and the provisions of the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) by failing to secure the widening of the adjacent public footway, contrary to the provisions of policies SDP1, SDP2 and SDP3 of the City of Southampton Local Plan Review – Adopted Version March 2006.

07/01392/FUL

Withdrawn 01.11.07

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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

07/00292/FUL

Refused 15.05.07

Erection of a pair of two-storey semi-detached dwellings  
Delegated refusal for (i) lack of private amenity space and (ii) impact on highway safety. An **appeal** was lodged and subsequently dismissed on both issues

### 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

Delegated refusal for (i) insufficient amenity space; (ii) Inadequate refuse storage; (iii) Inadequate cycle storage; (iv) Overdevelopment-terraced form out of keeping with the character of the area.

### 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 20.08.09

Erection of 2 x two storey semi detached houses with associated bin/cycle storage. (Resubmission of 08/00372/FUL)

Appeal decision is attached in **Appendix 3**

09/01022/FUL

Refused 19.11.09 Appeal pending

Erection of detached 3 x bed dwelling with access from Howards Grove, after demolition of existing detached garage

01.

REFUSAL REASON – Impact on the street scene

The proposed dwelling would have an isolated appearance within Howard's Grove and would not relate to any other townscape feature in the locality. The proposal would therefore appear out of keeping with the Howard's Grove street scene and prove contrary to the provisions of polices SDP1 (ii), SPD7 (v) and SPD9 (v) of the City of Southampton

Local Plan (March 2006) and as supported by paragraph 3.7.7 of the Residential Design Guide Supplementary Planning Document September 2006.

02.

**REFUSAL REASON - Section 106 Agreement**

In the absence of a completed S.106 legal agreement to secure works to the public highway that facilitate this development the proposal fails to satisfy the provisions of policy IMP1 of the City of Southampton Local Plan Review (Adopted Version March 2006) and the provisions of the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) by failing to secure the widening of the adjacent public footway, contrary to the provisions of policies SDP1, SDP2 and SDP3 of the City of Southampton Local Plan Review – Adopted Version March 2006.

**Application 09/01154/FUL - Shirley Avenue**

**Appendix 2**

**Relevant Planning Policy**

**Adopted City of Southampton Local Plan Review Policies**

SDP1	General Principles
SDP2	Integrating transport and Development
SDP3	Travel Demands
SDP5	Development Access
SDP6	Parking
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H8	Housing Density
H12	Housing Type and Design
CLT5	Provision of Open Space
CLT6	Provision of Children's Play Space
IMP1	Provision of Infrastructure

**Core Strategy Policies**

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS 15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport

CS19	Car and Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS25	The Delivery of Infrastructure and Developer Contributions

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RECOMMENDATION: DEL

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## **CONDITIONS for 09/01213/FUL**

### 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 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 and in the interest of highway safety, privacy and crime prevention.

### 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);
- 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; and

**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 three 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 1988 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) (Amendment) (No.2) (England) Order 2008, 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.

**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 - no storage under tree canopy [Performance Condition]**

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

**Reason:**

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

**18. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]**

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

**Reason:**

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

**19. APPROVAL CONDITION – Foul and Surface Water Disposal [pre-commencement condition]**

Prior to the commencement of the development hereby approved details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the agreed details.

**REASON**

To ensure that the development does not adversely impact on the public sewer system

**00. Reason for granting Planning Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The development is in keeping with the site and surrounds and would not have a detrimental on residential amenity or highway safety. The previous reasons for refusal and reasons for dismissing previous planning appeals have been addressed. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006).

**Note to Applicant**

1. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd in initiate a sewer capacity check.