

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 to the rear of 68 - 70 Shirley Avenue		
Proposed development:	Erection of 2 x three-bed detached dwellings with parking and associated storage accessed from Howards Grove		
Application number	09/01154/FUL	Application type	Full Detailed
Case officer	Jenna Turner	Application category	Q13 - Minor Dwellings

Recommendation Summary	<b>Conditionally Approve</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: Mr I Code and Mr and Mrs Dunnings	Agent: Owen Davies Architects
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Date of receipt	02/11/2009	City Ward	Shirley
Date of registration	02/11/2009	Ward members	Cllr Cooke
Publicity expiry date	10/12/2009		Cllr Dean
Date to determine by	28/12/2009 <b>IN TIME</b>		Cllr Matthews

Site area	410 sq.m (0.04 ha)	Usable amenity area  Landscaped areas	shown: 90sq.m per dwelling shown: 103 sq.m
Site coverage (developed area)	36 %		
Density - whole site	50 d.p.h		

Residential mix	nos	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	-	-	Commercial use	-	-
2-bedroom	2	114 sq.m	Retail use	-	-
3-bedroom	-	-	Leisure use	-	-
other	-	-	other	-	-

Policy designation	
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Accessibility zone	low – edge to high	Policy parking max	3 spaces
Parking Permit Zone	no	existing site parking	4 spaces
Cyclist facilities	yes	car parking provision	3 spaces
motor & bicycles	2 cycles	disabled parking	0 spaces

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

**Recommendation in full**

Approve subject to the attached suggested conditions

## **Proposed Development & Surrounding Context**

The application site comprises the end sections of two rear gardens associated with 68 and 70 Shirley Avenue which are detached two-storey dwelling houses. The site fronts Howard's Grove and is positioned between existing residential developments either side. The more traditional housing lies to the south-west and a more recent infill development associated with the care home at 72-76 Shirley Avenue is sited immediately to the north-east. Both properties have single-storey garage structures to the rear which are accessed from Howard's Grove and the rear boundary is 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. Apart from the rear of 72 to 76 Shirley Avenue, the rear gardens of 68 to 90 Shirley Avenue have remained undeveloped, although many of these properties have garages and or parking spaces which are accessed from 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, **16** representations including 3 letters of support 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.

**Character impact (garden grab)** - Developing the back gardens would have a harmful impact on the character of the area and on the environment. 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 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. The garage space is insufficient width.

**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.

**Visual Impact** - The proposed development would appear out of keeping with existing development and bears no relation to neighbouring development. The proposed frontage boundary treatment is not in keeping with neighbouring residential development.

**Privacy** - The new dwellings would result in overlooking of existing properties in St James Road, Howard's Grove and Shirley Avenue, in particular the neighbouring care home and 72 Shirley Avenue which has a back to back relationship with the development of 15 metres.

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

**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

**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.

#### 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

**SCC 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.

**Southern Water** - No objections or conditions suggested

#### **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 neighbouring sites at land to the rear of 82, 86 and 88 Shirley Avenue.

### 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. Character of the area

The application site differs from previous schemes considered at the rear of 82, 86 and 88 Shirley Avenue in that the site is neighboured by residential development on both sides. The chosen design approach refers to the more suburban properties to the north-east of the site, rather than the denser character of development of numbers 137 Howard's Grove downwards. This addresses paragraph 4 of the appeal decision for 82 Shirley Avenue (please refer to **Appendix 3**) in which the Inspector refers to the transition between higher to lower density in this section of Howard's Grove. The proposal would clearly read as the commencement of the more suburban character of Howard's Grove in terms of its detached built form, shallow pitch roof and the use of suburban design features such as bay windows and porches. The proposal would also help to 'bridge the gap' between the original development in Howard's Grove and the more recent car home development which neighbours the site.

Despite the more suburban character of the proposed dwellings, keeping the eaves height the same as the neighbouring property at no. 137 Howard's Grove and setting a section of the front elevation back would ensure the development would not appear anomalous when compared with the more denser development. The development would respect the Howard's Grove building line and furthermore, the proposed bay windows helps the dwellings to respect the verticality of the neighbouring properties. The development would incorporate planting to property frontages to soften their appearance within the street scene and a condition is suggested to secure a low brick boundary treatment with brick piers to match the neighbouring development.

The degree of spacing between the proposed dwellings and the neighbours either side reflects the prevailing pattern in the vicinity of the site. It is acknowledged that the spacing does not slavishly replicate the uniformity of the spacing between properties from Nos 137 Howard's Grove downwards, but the proposed development would clearly read as a separate development in character in reference to the transition to a lower density, suburban development. 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.

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. The application site at 68-70 Shirley Avenue is materially different from other applications considered at 82, 86 and 88 Shirley Avenue in terms of the residential development which immediately neighbour the site. As such, the proposal would not appear 'unrelated to any other townscape feature' (paragraph 11 of the appeal decision for 88 Shirley Avenue in **Appendix 3** refers) and a more comprehensive approach is not required.

Overall it is considered that the development would enhance the appearance of this section of Howard's Grove, particularly as it would replace high, unattractive boundary fencing and establish a traditional street scene. This is both preferable from a visual point of view and from a crime and safety perspective.

### 3. Residential amenity

In terms of the outlook and privacy of 68 and 70 Shirley Avenue, the proposal meets the back-to-back distances suggested by the Residential Design Guide. Previous schemes at 88 Shirley Avenue have included a third level of accommodation within the roofspace. 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 for 68 and 70 proposes a dwelling which is 1 metre 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 light or sun light for neighbouring properties.

It is noted that the care home at 72-76 Shirley Avenue has a large, single-storey extension to the rear and would therefore be closer to the proposed dwellings. However, since the proposed development would be positioned at an angle to this property, it is considered that no harmful overlooking or loss of outlook would occur. In addition to this since the extension to the rear of 72-76 Shirley Avenue is single-storey, rear boundary treatment secure by planning condition would further mitigate any impact on privacy.

The rear building line of the development would not project significantly further to the rear than the neighbouring property at 137 and therefore the proposal would not affect the outlook from windows in the rear of the neighbouring property.

### 4. Residential standards

Both of the proposed dwellings would be served by rear gardens which comply with the 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. A shared access between the centre of the dwellings would provide direct access to the rear garden and enable cycles and bin containers to be conveniently moved to the front of the property and the width of the access exceeds the minimum amount (900mm) required by the Council's Highways engineers for this purpose. A condition is suggested to ensure that the access remains as a shared area.

The amount of amenity space that would be left to serve the dwellings of 68 and 70 Shirley Avenue would exceed the amount suggested by the Residential Design Guide to serve detached family houses. The properties could therefore continue to be able to be occupied as family housing.

### 5. Highways and parking

One 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 complies is sufficient to enable a car to be parked and the doors opened once inside. Both 68 and 70 Shirley Avenue currently have off-road car parking to the front of the properties, accessed from Shirley Avenue and this is sufficient to serve the properties.

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 single dwelling would not significantly increase the existing traffic movements within Howard's Grove. Furthermore, both 68 and 70 currently have vehicular access from Howard's Grove. The two car parking spaces are positioned next to each other to maximise visibility across the site and conditions are suggested to secure low boundary treatment on the property frontage. Both neighbouring properties have low front boundary treatments which would ensure an acceptable level of visibility from the proposed vehicular accesses.

### Summary

The proposed development would provide two family sized homes within a sustainable location and 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)

**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
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**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

**Relevant Planning History**

68 Shirley Avenue

1199/P10  
Use of land at rear for residential development

Refused 16.05.61

1201/P28  
1 house at rear

Refused 16.06.61

1630/W27  
Detached garage at rear

Conditionally Approved 03.05.83

70 Shirley Avenue

No previous applications

Land rear of 82, 86 and 88 Shirley Avenue

09/01213/FUL  
Erection of 3x2 Storey detached houses with integral garage (2 x 2 bed and 1 x 3 bed) with associated parking and storage

Pending Determination

88 Shirley Avenue History

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

Non-determination Appeal Dismissed 24.07.09

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

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

Refused 23.01.08

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

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 four 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**

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 policies 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.

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RECOMMENDATION:       CAP

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**CONDITIONS       for 09/01154/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 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);
- 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 - [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 – Shared access path [performance condition]

The pedestrian route between the two dwellings to the rear gardens shall be made available as a shared access before the development first comes into occupation and thereafter retained as approved. For the avoidance of doubt, the path shall not be subdivided.

REASON

To ensure that satisfactory access to the refuse and cycle stores for both dwellings is provided and retained.

10. 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 both dwellings.

**11. 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

**12. 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.

**13. 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.

**14. 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.

**15. 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.

#### 16. 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.

#### 17. 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.

#### 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 proposal would be in keeping with the site and surrounds and would not have an adverse impact on either highway safety or the amenities of the neighbouring residential occupiers. 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).