

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 16 February 2010
 Planning Application Report of the Head of Division

Application address:		134 Bassett Avenue And 1 Beechmount Road Southampton	
Proposed development:		Erection of three-storey and four-storey buildings to provide 13 three-bedroom flats and a two-bedroom flat with associated access and parking, following demolition of the existing buildings	
Application number	09/01313/FUL	Application type	Full Detailed
Case officer	Stephen Lawrence	Application category	Q07 - Major Dwellings

Recommendation Summary	Delegate to Development Control Manager to grant planning permission subject to criteria listed in report
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Reason for Panel consideration	Major development (small scale) of strategic significance requiring completion of a legal agreement under Section 106 of the 1990 Act
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Applicant:	Mr D Grimes	Agent:	Chris Edmond Architects
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Date of receipt	23/11/2009	City Ward	Bassett
Date of registration	23/11/2009	Ward members	Cllr Samuels
Publicity expiry date	31/12/2009		Cllr Mizon
Date to determine by	08/03/2010 IN TIME		Cllr Hannides

Site area	2526sq.m (0.25 ha)	Usable amenity area	413 sqm
Site coverage	33 %	Landscaped areas	N/A
Density - whole site	56 d.p.h		

Residential mix	numbers	size sq.m	Other land uses	class	size sq.m
Studio / 1-bedroom	N/A	N/A	Commercial use	N/A	N/A
2-bedroom	1 flat		Retail use	N/A	N/A
3-bedroom	13		Leisure use	N/A	N/A
other	N/A	N/A	other	N/A	N/A

accessibility zone	medium	policy parking max	10 spaces
parking permit zone	no	existing site parking	10 spaces
cyclist facilities	no	car parking proposed	14 spaces
motor & bicycles	14 cycles	disabled parking	0 spaces

Key submitted documents supporting application			
1	Design and Access Statement	2	Sustainability Checklist
3	Landscaping details	4	Aboricultural Report
5	Phase 1 and 2 Ecological Surveys	6	Management Plan
7	Statement of Community Involvement	8	Transport Assessment
9	Tree report	10	CGI views document
Appendix attached			
1	Development Plan Policies	2	Planning History
3	relevant recent Appeal decisions	4	

Recommendation in full

Delegate to Development Control Manager to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement to secure:-

- (i) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in accordance with polices CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended). In particular this should include to making of a Traffic Regulation Order after public consultation with regard to the introduction of parking restrictions in Belgrave Road;
- (ii) A financial contribution towards strategic transport projects for highway network improvements in the wider area in accordance with policies CS18 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- (iii) Financial contributions towards the relevant elements of public open space required by the development in accordance with polices CS21 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) with regard to:-
 - Amenity Open Space (“open space”)
 - Play Space
 - Playing field
- (iv) Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- (v) Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and,
- (vi) an undertaking by the developer that prior to the commencement of development the developer shall submit a plan/details to the local planning authority for its approval in writing indicating to which four flats in the new block of flats fronting Bassett Avenue that the four car parking spaces accessed from Bassett Avenue are to be allocated to. Once so approved, those car parking spaces shall remain allocated to those flats at all times thereafter.

And that the D C Manager be authorised to refuse permission if the Section 106 Agreement has not been completed by 8th March 2010 on the ground of failure to secure the provisions of the Section 106 Agreement.

Site, Surrounding Context

The application site is located on the east and south side of these respective streets between the junctions of Bassett Avenue to the west and Glen Eyre Road to the east. One can only turn left onto Bassett Avenue, which is a heavily trafficked, four lane highway of strategic importance linking Southampton to Winchester.

A part 3/part 4 storey development of 9 flats, allowed on Appeal, adjoins to the north. Beechmount House is a three storey University block of cluster flats to the east. It is a flat roofed, non-descript pebbled-dash rendered building set in lush landscaped grounds well back from the street.

The treed nature of surroundings is merited and protected by the Southampton (Bassett Avenue and Beechmount Road) TPO 1962. This character acknowledged in an appraisal as part of the Bassett Avenue Development Control Brief (1982). This character has been impacted by several flatted developments since 1982, albeit the verdant nature of this northern approach to the city has largely remained intact as now protected by Policy NE6 of the Local Plan Review.

On the north side of Beechmount Road exists the flatted developments of Brampton Manor (3 storeys) and Brampton Tower (14 Storeys) dating from the 1960's. Brampton Towers is the exception to the area's predominant two and three storeyed built form, albeit other flatted developments up to 5 storeys high have been built elsewhere along/adjoining Bassett Avenue since the 1980's.

To the south of the site exists a run of two storey, detached Edwardian houses. These have a strong character, built on a uniform building line. Brick built with tall, tiled, hipped roofs, their facades are punctuated by double bay windows, giving a distinctive appearance and rhythm to this part of the street. Other detached, two storey housing exists to the west side of Bassett Avenue and much further south in Chetwynd Road, whose gardens back onto the back garden of 1 Beechmount Road.

Proposed Development

This application seeks demolition of the two existing 4 & 5 bedroom, detached houses, with removal of back garden structures and construction of two part 3 - part 4 storey blocks each comprising 7 flats, supported by car/cycle parking refuse, storage and amenity space. All flats would have very generous internal floor areas and 13 would have three bedrooms each, with the other having two. Upper flats would be positioned in the roof slope and enjoy generous roof terraces. The Council's standards in respect of amenity space provision would be exceeded. Two common amenity spaces would be provided for the benefit of all residents. One would be formally landscaped between the two blocks, the other would be a more natural area to the rear of the Beechmount block. Four of the flats would be allocated private adjoining garden spaces. Other flats would have the benefit of roof terraces/balconies, including the two penthouse flats in each block.

Existing vehicular access points to each plot would be retained but slightly modified. A total of 14 car parking spaces would be provided, 4 in front of each block, which would be individually allocated through the legal agreement, so as to prevent 'competition' for spaces and minimise vehicular movements on and off the site; and a further 6 spaces to the rear of the Beechmount block, accessed by a permeable surface laid on a 'Cellweb' without the need for excavation, so as to safeguard tree root systems. Some car parking spaces would be covered by pergola type structures/canopies.

Detached buildings providing refuse enclosures would be provided for each block, within the required collection distance from the highway.

Trees covered by TPO's would be fully safeguarded and new tree planting would take place, notably including the street frontage to Bassett Avenue.

Architecturally, the applicant has responded to the observations of the Appeal Inspector dismissing the recent appeal at 1 Beechmount Road as well as pre-application comments.

Amended plans have been submitted essentially changing:-

- the appearance and roof profile of the Bassett Avenue block, whilst accentuating the recess of the central glazed entrance link;
- the car parking quantum by increasing it from 10 to 14 spaces (1 per unit); and,
- the security detailing for bicycle parking and moving the common store to a more secure position between the two blocks.

These changes have been re-notified and any additional comments received will be reported at the meeting.

Architecturally a contemporary transition between the grand Edwardian detached houses to the south and the more modern/monopitched roofed flats at 136 Bassett Avenue to the north has been sought. The building steps up in scale from south to north and has been so designed to read as two separate elements, linked by a recessed, glazed entrance atrium.

Pitched roofing has been used with gable like features to reflect the language of the houses to the south. There is also a strong verticality running through the building reflecting the double bay windowed design of adjacent houses and the verticality of 136 Bassett Avenue.

The building steps down again to match the adjacent lower eaves height of 136 Bassett Avenue. Whilst an upper element of the building is taller than that point, this is set back and sub-ordinate to the strong gable feature which draws the eye down to 136 Bassett Avenue's lower eaves line.

The scale of the Beechmount block has been tempered since last refused as wholly four storeys plus a roof. It is now part four and part three storeys in height, with the upper floor contained within the roof profile. Windows have been orientated and roof terrace in the Beechmount block so designed, to avoid overlooking and separation distances to Bassett Avenue properties have been achieved. Those required to Chetwynd Road properties are far exceeded.

Separation has been improved to the Beechmount House student cluster flats, which in any event the Inspector considered it was not necessary to achieve the full separation distances owing to intervening tree cover. This increased separation has also moved the building footprint further away from the root protection zones of protected trees. This block will be well set back from Beechmount Road, which has no uniform character, and mostly screened by the mature trees which surround it. The natural environment will predominate over built form and the character of the area will be respected.

Relevant Planning Policy

LDF Core Strategy - Planning Southampton to 2026

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010) the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review, form the planning policy framework against which this application should be determined.

The relevant CS policies and the "saved" policies from the Local Plan Review are set out at **Appendix 1**. The development is in accordance with the council's SPD on Family Housing.

Relevant Planning History

The history of the site is attached in **Appendix 2** to this report, and **Appendix 3** lists the three most relevant recent Appeal decisions at Public Inquiry relating to 1 Beechmount Road and 136 Bassett Avenue.

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.

Criticism was initially made that proposals received publicity over the Christmas holiday period and were slow to be scanned onto the 'public access' internet system. An extended period for comment was accordingly offered to interested parties.

At the time of writing the report, Ward Councillors Hannides and Samuels had requested the matter be determined by the Panel and **12** objections (including those from Councillor Hannides' and the East Bassett Residents' Association) had been received to the originally notified proposals, on the following grounds:-

Summary of Representations made

- Overdevelopment and precedent for further erosion of the character of the area
- Disruption of the social balance of the area away from family housing, given the recent overprovision of flats in the City
- Visual / noise disturbance impact
- Overlooking of Chetwynd Road and result in a loss of privacy
- Four storey elements are considered out of character
- Car parking – lack of suitable provision
- Increase in vehicular movements would have a harmful impact on highway safety
- Harm to on-site wildlife

Summary of Consultation comments

SCC Highways - No objection to amended plans and parking provision above maximum permitted for medium accessibility zone, given proximity to low accessibility zone, Inspector's comments on 1 Beechmount Road Appeal and size of units proposed.

SCC Ecology – The two houses to be demolished represent roosting opportunities for bats. A Phase II survey for 1 Beechmount Road revealed the presence of Pipistrelle bats roosting there as well as use of 134 Bassett Avenue's roofspace by Pipistrelle and Long-eared bats. The survey has been widened to include 134 Bassett Avenue, whose garden is deemed to be of low ecological value with some potential for breeding birds and only limited potential for amphibians.

Retention of a significant amount of the two gardens will maintain biodiversity value, enhanced by the proposed landscaping using native planting species. The mitigation strategies put forward for bats are considered acceptable, but a Natural England Licence will be required before demolition can take place. Planning conditions to secure mitigation are recommended and informative regarding a recent judicial review case in the courts is advised, which talked of 3 'tests' and had led to a planning permission being quashed by the High Court, where adequate mitigation had not been put forward by the developer.

SCC Sustainability Team - No objection subject to achieving Level 3 of the Code for Sustainable Homes, to be secured through appropriate planning conditions.

SCC Environmental Health (Pollution and Safety) - No objection. Suggests conditions to prevent bonfires during site clearance and the build and control hours of construction

SCC Environmental Health (Contamination) - No objection. Suggests conditions to assess the contamination risks on site and to secure remediation as necessary.

Response:- The Appeal Inspector for the scheme at 1 Beechmount Road, on hearing discussions of suggested conditions at the Inquiry, heard evidence that a similar condition imposed on allowing 136 Bassett Avenue had revealed no adverse site contamination worthy of remediation. On this basis the Inspector was not willing to impose such a burden on the developer if that subsequent Appeal were to be allowed. In the event, the Appeal was dismissed for 1 Beechmount Road. Notwithstanding that, it is not considered reasonable to impose the usual full requirement for a site investigation, but rather impose a less onerous condition relating to any unexpected ground conditions, and in that event then require proper investigation and remediation.

.SCC Trees Team - No objection, owing to having moved the building for 1 Beechmount Road away from protected trees. Safeguarding conditions recommended.

SCC Housing Development Officer – Seeking 1 affordable, three-bedroom unit in the Bassett Avenue block at ground floor level with access to its own private garden space.

Response: The applicant may yet submit a viability argument against on-site provision and a surrogate satellite site can be identified. It was considered inappropriate to seek an affordable unit in the Beechmount block, given the longstanding negotiations for that part of the site.

SCC Play Services - No objection. Suggests financial contribution to new/improved children's play equipment at the Bassett Sports Centre through the S.106 planning agreement in accordance with the SPG on planning obligations formula.

British Aviation Authority – Suggest a planning condition concerning the height of construction equipment so as to safeguard the approach and take-off zone associated with Southampton Airport.

Planning Consideration Key Issues

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

- Principle of development;
- Residential design, density and impact on the established character;
- The impact on existing residential amenity;
- The quality of residential environment for future occupants; and,
- Whether highway safety would be compromised and whether the travel demands of the development can be met.

Principle of development

The government encourages the more efficient use of brownfield land and a net gain of two family style dwellings would result all four such dwellings having access to a private garden space as well as common amenity spaces, whose areas far exceed the Residential Design Guide of 20sqm per flat. The development does not constitute an overdevelopment of the site in terms of site coverage which is compliant with policy. The new dwellings would provide a greater choice of accommodation within this community.

Residential design, density and impact on the established character

This scheme has evolved from plans first discussed in 2007. The scale, positioning and general layout have sought to create a high quality development respectful of the scale of adjoining buildings in both streets. The development of part of 136 Bassett Avenue at four-storied was allowed at appeal because of its compliance with principles set out in the Residential Design Guide relating to corner plots. This development would be respectful of the strong building line in Bassett Avenue and retain the corner prominence of 136 Bassett Avenue.

Inter-looking distances have been met to preserve privacy, or where not met an Inspector considered they were mitigated by tree cover. The proposals would not adversely overlook Chetwynd Road gardens.

Overall, a flaw of the previous scheme relating to a car dominated environment has been designed out of these proposals.

The impact on existing residential amenity

No adverse impact by overlooking, undue enclosure or shading would result.

The quality of residential environment for future occupants

The flats are very generously sized and the amenity spaces to be formed would give very good living conditions.

Whether highway safety would be compromised and whether the travel demands of the development can be met

In all the Appeals that have led up to this application, no Inspector has found an issue with highway safety, nor has any found on-street parking in Beechmount Road oversubscribed when making an evening visit before the last Inquiry. 134 Bassett Avenue already enjoys two points of vehicular access onto the street. The proposals would rationalise this to one, serving only 4 allocated parking spaces. This is considered comparable to vehicular movements associated with a five-bedroom house.

Highways have responded to concerns of residents by allowing one for one provision and the last Inspector thought that reasonable too, albeit could not consider the Appeal on that basis as it had not been notified to neighbours. No significant increase would result to traffic on the surrounding highway network and pedestrians are catered for by footways. Some dual use of the accessway to the east of the Beechmount block would result, but visibility along this traffic calmed route would be good and no adverse conflict is now predicted.

Whilst bus services may not be very frequent, they do exist and can provide access to a range of facilities. Local shops in Winchester Road are accessible by bicycle and the council's minimum provision for bicycle parking has been achieved in secure enclosures.

Summary

The proposed development would make more efficient use of this brownfield site and would deliver further family housing. The proposal respects the spacious and verdant character of the surrounding area and respects the amenities of nearby residential development, whilst adding to the area's local distinctiveness using a bold contemporary design.

CONCLUSION

By securing the matters set out in the recommendations section of this report by the completion of a Section 106 Legal Agreement, the proposal would be acceptable. The application is therefore recommended for delegated approval to the Development Control Manager.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a) (b) (c) (d), 2 (a) (c) (d), 3 (a), 6 (a) (c) (d) (l), 7 (a) (c) (k), 8 (a) (j)

(SL 3.2.2010 for 16.02.2010 PRow Panel)

134 Bassett Avnue and 1 Beechmount Road

Relevant Planning Policy

Core Strategy (2010)

- Policy CS 4 Housing delivery
- Policy CS 5 Housing density
- Policy CS 13 Fundamentals of design
- Policy CS 15 Affordable housing
- Policy CS 16 Housing mix and type
- Policy CS 18 Transport: reduce – manage - invest
- Policy CS 19 Car and cycle parking
- Policy CS 20 Tackling and adapting to climate change
- Policy CS 22 Promoting biodiversity and protecting habitats
- Policy CS 25 The delivery of infrastructure and developer contributions

Saved 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 |
| NE6 | Avenue character of predominance of trees over built form to be protected |
| H1 | Housing Supply |
| H2 | Previously Developed Land |
| H7 | 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 |

Residential Deign Guide (September 2006)

Bassett Avenue Development Control Brief (1980 – Character Appraisal section only)

Family Housing SPD (2009)

Application 09/01313/FUL – 134 Bassett Avenue and 1 Beechmount Road

Relevant Planning History

1 Beechmount Road

00/01323/FUL
03.02.2001

Conditionally approved

Construction of a two storey side extension, conversion of roof space with dormer windows, erection of a conservatory to rear and car port to west elevation. (Constructed).

08/01081/FUL Refused 18/09/2008 and dismissed at Appeal (Public Inquiry)
13/05/2009

Re-development of the site by the erection of a four-storey block of 8 x 3 bed flats with associated bin, cycle stores and car parking

Refused for the following reasons:-

01. Poor design

The development by reason of its four-storey massing, its use of materials and the positioning on the site represents an incongruous addition to the south side of Beechmount Road and exhibits the following poor design features:-

- (a) A large amount of the site is given over to vehicular access and movement, which is at variance with placing the needs, safety and comfort of pedestrians first in a new high quality residential environment.
- (b) Poor separation distances between habitable room windows in the development and habitable rooms in 134 & 136 Bassett Avenue and Beechmount House, Beechmount Road.
- (c) Poorly located cycle storage facilities, with insufficient detail of the quality of the facility in terms of its security and lighting.
- (d) Poorly located refuse storage exhibiting excessive carry distances both for refuse operatives and those residing in the development.
- (e) Notwithstanding the assessment by Barrell Tree Consultancy, would result in later pressure by occupiers to thin the adjoining tree cover, thereby reducing the amenity of trees covered by a Tree Preservation Order.
- (f) Exhibits a level of car parking in excess of the City Council's maximum car parking standards.

As such the proposed development is considered to be harmful to the character of the area and unlikely to promote sustainable forms of travel contrary to Policies SDP 1 (i)/(ii - particularly the guidance of the following paragraphs of the Residential Design Guide [September 2006]:- 2.1.6, 2.2.1, 2.2.3-2.2.4, 2.2.18-2.2.19, 3.2.2, 3.2.4, 3.3.1, 3.6.8, 3.7.7, 3.7.8, 3.9.5, 3.10.3, 3.10.4, 3.10.6-3.10.7, 3.10.14, 3.10.18, 3.10.24 - 3.10.25, 3.13.1-3.13.2, 3.13.4, 4.4.1-4.1.2, 4.7.2, 5.5.1-5.1.3, 5.1.7-5.1.11, 5.2.2, 5.2.12-5.2.13, 5.3.4, 9.2.4-9.3.3), SDP4, SPD5 (i), SDP7 (i)/ (ii)/(iv)/(v), SDP8 (i), SDP9 (i)/(iii)/(iv)/(v), SDP10 (ii)/(iv), SDP12 (iii), NE6 (as supported by the character appraisal part of the Bassett Avenue Development Control Brief [1982]), H2 (i)/(iii) and H7 (i)/(ii)/(iii) of the City of Southampton Local Plan Review (March 2006).

02. Resource conservation

The design statement does not address policy SDP13 Resource Conservation in sufficient detail. It is stated that "no special measures relating for instance to alternative energy or water harvesting are

proposed due to the relatively small size of the scheme." Policy SDP13 Resource Conservation applies to all developments. It is also stated that the building will be "constructed to a standard that complies with or exceeds Part L of the Building Regulations... therefore complies with Policy SDP13." Complying with statutory Building Regulations does not demonstrate that resource conservation has been maximised. As such the proposed development is considered to be contrary to Policy SDP13 of the City of Southampton Local Plan Review (March 2006) and Part 7 of the Residential Design Guide (September 2006).

03. Lack of bat survey

A bat survey has not been undertaken. The applicant should demonstrate that demolition of existing buildings on the site would not displace or harm bats potentially roosting on the application site. As such, the applicant is potentially placing at risk a protected species contrary to Policy SDP12 of the City of Southampton Local Plan Review (March 2006) and paragraphs 4.81-4.82 of the Residential Design Guide (September 2006).

04. Fails to secure S.106 measures

In the absence of a completed S.106 legal agreement to mitigate against the scheme's direct impacts the proposal fails to satisfy the provisions of Policy IMP1 of the City of Southampton Local Plan Review (March 2006) and the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 - as amended) in the following areas:

a) measures to support sustainable modes of transport such as necessary improvements to public transport facilities and footways within the vicinity of the site;

b) measures to support strategic transport initiatives;

c) the provision of public open space and children's play space to serve the needs of the development as required by Policies CLT5 and CLT6 of the City of Southampton Local Plan Review (March 2006); and,

d) a highways condition survey to make good any possible damage to the public highway in the course of construction.

134 Bassett Avenue

12484/900620/W [a.k.a. 90/10241/FUL]
12.06.1990

Conditionally approved

Single storey extension to garage to form conservatory/swimming pool. (Constructed).

136 Bassett Avenue

05/00404/FUL
18.04.2007

Refused - 09.06.2005, but allowed on Appeal (Public Inquiry)

Redevelopment of the site with the erection of a 3/4 storey block comprising 9 x 2 bedroom flats with associated car parking. (Constructed – costs awarded against the Council).

05/01498/FUL
18.04.2007

Refused - 09.06.2005, and dismissed at Appeal (Public Inquiry)

Redevelopment of the site. Demolition of the existing building and erection of a part three-storey and part four storey block of 10 x 2 bedroom flats with associated parking.

09/00053/FUL
16/03/2009

Conditionally approved

Formation of glazed balconies to West and East elevations of the building.

09/00705/FUL
03/09/2009

Refused -

Extension at third floor level to provide an additional 2 bed flat and provision of 1 additional parking space within site frontage

Refused for the following reason:-

01. REFUSAL REASON - Design

The additional fourth storey element, by reason of its height, scale and resulting bulk, would adversely erode the existing building's architectural qualities, which satisfactorily achieve an articulation with increased height and scale towards the junction of Beechmount Road and Bassett Avenue. These positive design aspects were accepted in Appeal reference APP/D17880/A/05/1194944 (18 April 2007) and also remarked upon in a later Appeal decision in respect of 1 Beechmount Road (APP/D17880/A/08/2088525 [13 May 2009]). Proposals for a wholly 4 storey block were also previously dismissed under Appeal reference APP/D17880/A/05/1196597 (18 April 2007). The additional bulk proposed is considered to be harmful to the existing design and the wider street scene in Beechmount Road and has, therefore, been assessed as being out of keeping with the existing pattern of development. The proposed development is therefore contrary to policies SDP1 (ii - particularly the guidance of paragraphs 3.7.9-3.7.10 and 3.9.5, of the Residential Design Guide [September 2006]), SDP7 (iii)/(iv)/(v), SDP9 (i) and H7 (i)/(iii) of the City of Southampton Local Plan Review (2006).

RECOMMENDATION: DEL

CONDITIONS for 09/01313/FUL

01. Commencement

The development 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. Details of External Materials - Samples

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 including all external fixtures, fittings, facing brickwork, render, window frames and mortar and details of window and doorway reveals have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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- Unsuspected Contamination

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.

04. Clean topsoil

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 onto the site must be accompanied by documentation to validate their quality and be submitted to the local planning authority for approval prior to the first occupation of any of the flats hereby approved.

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.

05. APPROVAL CONDITION - Landscaping detailed plan

Notwithstanding the details shown on submitted plan ref: 2160/1 Rev A a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas – to include permeable materials where feasible and practicable - and all means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any site works, excluding demolition.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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 scheme 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.

06. Landscaping Implementation

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 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.

07. No Pruning Felling Trees

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 by the owners of the site with two trees of a size, species, and type, and at a location and before a date 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.

08. Safeguard Trees

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. The specification and position of all protective fencing indicated on the site plan site plan attached to the Barrell Tree Consultancy report dated 10 June 2008 shall be fully implemented, as shall the recommended CellWeb system for protecting tree roots in the identified tree protection zones.

REASON

To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

09. Arboricultural Method Statement

The construction of the development will be undertaken to the specification outlined within the Barrell Tree Consultancy report dated 10 June 2008. It will be constructed in a way which will cause minimal damage to tree roots and will be of a porous material.

REASON

To ensure the retention of important amenity trees.

11. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to the development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, based upon the recommendations contained within the Phase I Habitat and Protected Species Survey and Phase II Bat Survey, October 1998, which are to be agreed in writing by the Local Planning Authority. These measures shall be implemented in accordance with the programme before any demolition work or site clearance takes place, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of enhancing the site's biodiversity and mitigating against the scheme's direct impacts.

12. APPROVAL CONDITION - Ecological Survey (by exception) [Pre-Commencement Condition]

Prior to development taking place, including site clearance, the developer shall provide documentary evidence to the Local Planning Authority of a European Protected Species Licence authorising works affecting bats using the site.

REASON:

In the interests of enhancing the site's biodiversity and mitigating against the scheme's direct impacts.

13. Site clearance timing restriction

No vegetation clearance with potential for nesting birds and badgers (e.g. trees, shrubs) shall be undertaken between 1 March and 31 August unless a method statement has been submitted and agreed in writing by the Local Planning Authority. All works should be carried out in accordance with the agreed method statement.

REASON:

In the interests of enhancing the site's biodiversity and mitigating against the scheme's direct impacts.

14. APPROVAL CONDITION - Code for Sustainable Homes (residential development) [Pre-Commencement Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the commencement of the development hereby granted consent unless otherwise agreed in writing by the LPA. The evidence shall take the form of an interim certificate as issued by a qualified BRE Assessor.

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). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009) - CSH has since replaced Eco Homes for new build developments.

15. APPROVAL CONDITION - Code for Sustainable Homes (residential development) [Performance Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BRE Assessor.

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). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009) – CSH has since replaced Eco Homes for new build developments.

16. APPROVAL CONDITION - Renewable Energy - Micro-Renewables

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [of at least 15%] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [by at least 15%] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009).

17. Maximum car parking

Only 14 car parking spaces, in accordance with the approved plan, shall be surfaced, marked out and made available for occupiers of the development, before the first occupation of any of the flats. The developers attention is also drawn to the planning agreement signed in connection with this decision, which allocates the four spaces off Bassett Avenue specifically to individual flats in the block fronting Bassett Avenue.

REASON

To prevent obstruction to traffic in neighbouring roads.

18. Cycle parking

The facilities shown for the secure and undercover parking of at least 14 bicycles and at least one sheffield stand in front of the entrance to each block of flats shall be provided and made available for use by occupiers of the development before any of the flats are first occupied. The cycle storage approved shall be retained and maintained on site for that purpose at all times.

Reason

To encourage cycling as an alternative form of transport.

19. Refuse facilities

Before any of the flats are first occupied, the respective bin stores shown on the approved plans shall be provided and made available to occupant of the flats. Those facilities, which shall include provision for recycling waste, shall be retained at all times thereafter.

Reason

In the interests of amenity.

20. 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 occupiers of nearby housing and to safeguard trees covered by a Tree Preservation Order on the site.

21. 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 occupiers of nearby dwellings during the construction period and in the interests of highway safety in the vicinity.

22. APPROVAL CONDITION - Demolition - Dust Suppression [Pre-Commencement Condition]

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

REASON

To protect the amenities of occupiers of nearby dwellings during the construction period and in the interests of highway safety in the vicinity.

23. External lighting

Before any of the flats hereby approved are first occupied, the developer shall submit details of all external lighting for the completed project, particularly to common car parking areas to the flats for approval by the Local Planning Authority in writing. The scheme shall specify that lighting is of flat glass, full cut-off design with horizontal mountings and shall be so designed and sited as to not cause undue glare and light spillage above the horizontal onto neighbouring land/the night sky. The use of low level lighting bollards is discouraged. No subsequent alterations to the approved lighting scheme are to take place unless such details are submitted to and approved in writing by the local planning authority. Once approved, those details relating to the finished development shall be fully implemented before any of the flats are first occupied in accordance with the approved details and maintained in good working order at all times thereafter.

Reason

In the interests of crime prevention.

24. Boundary Treatment

No development shall be commenced until details of all means of enclosure on the site have been submitted to and approved by the Local Planning Authority. Such detailed scheme shall be implemented before the development is brought into use. The means of enclosure shall subsequently be retained to the satisfaction of the Local Planning Authority.

Reason

To secure a satisfactory form of development and particularly to provide adequate sightlines at the Bassett Avenue access point.

25. Wheel Cleaning

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason

In the interests of highway safety.

26. APPROVAL CONDITION - Amenity Space Access

The garden areas and external pathways shown on the approved site plan (save those show allocated to ground floor flats), and pedestrian access to them, shall be made available as communal areas prior to the first occupation of any of the flats and shall be retained with access to it at all times for the use of the residents and their visitors.

REASON:

To ensure the provision of adequate amenity space in association with the flats.

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

Prior to the commencement of the development hereby approved details of the sight lines from the Bassett Avenue access shall be submitted to the Local Planning Authority on a plan for approval in writing. The sightlines shall be provided before the development is first occupied and notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (as amended) no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays.

Reason:

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

00. REASON FOR GRANTING PERMISSION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The architectural solution, particularly in Bassett Avenue is acceptable for this site and the modified design of the Beechmount Road block has taken heed of the findings of a previous Appeal decision at 1 Beechmount Road. The proposed car parking exceeds the Council's current Local Plan Review standards but has been justified. There are no fresh tree issues following the receipt of an up-to-date Tree Survey and amended plans. The application has addressed the emerging policies of the Council's Core Strategy and plans to meet its sustainable development obligations. There are no tree objections to the proposals and additional tree planting to the Bassett Avenue frontage will strengthen the verdant character of this important route into and out of the City. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies - SDP1, SDP3, SDP5, SDP7, SDP9, SDP10, SDP13, NE6, H1, H7, and IMP1 of the City of Southampton Local Plan Review (March 2006) and Policies CS 4, CS 5, CS 13, CS 15, CS 16, CS 18, CS 19, CS 20, CS 22 and CS 25 Core Strategy for Southampton (January 2010).

Note to Applicant

1. Given the nature of the proposed development, it is possible that a crane may be required during construction. Any cranes used in the north west corner of the site must not exceed 109m AOD. The developer must contact Southampton Airport before a crane is erected on this site. Attention is drawn to the requirement within the British Standard Code of practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in advice note 4, 'Cranes and other construction issues (available at: www.caa.co.uk/srg/aerodrome).

2. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne, Hampshire or www.southernwater.co.uk.

3. A formal application for connection to the water supply system is required in order to service this development. Please contact Southern Water's Network Development Team (Water) based in Chatham, Kent or www.southernwater.co.uk.

4. The confirmed presence of bats within the building at number 134 Bassett Avenue means that a derogation from the protection afforded by the Conservation (Natural Habitats &c.) Regulations 1994 will be required before the development can proceed. Before this derogation can be granted the Local Planning Authority, in discharging its duties under the Habitats Regulations 1994, must consider whether the development meets the following three tests:

The proposed development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'.

In addition the authority must be satisfied that,

(a) there is no satisfactory alternative and

(b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Officers are of the view that the development does meet the three tests for the following reasons:

'other imperative reasons of overriding public interest including those of a social or economic nature'

The properties at 134 Bassett Avenue 1 Beechmount Road are set close to the road frontages with extensive gardens behind. The positions of the existing houses makes it difficult to use the land to the rear. Demolition of the existing properties allow the development of purpose built accommodation, at a higher density, whilst retaining a significant proportion of the gardens for private amenity space and bat foraging habitat. The proposed development is consistent with Policies CS 4 Housing Delivery and CS 5 Housing Density of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) which set out the need for more housing at greater densities within the City.

No Satisfactory Alternative

The existing buildings use only a small proportion of the available land. In a City with little available green field land existing housing plots need to be used more efficiently to meet the identified housing need.

Maintaining the Favourable Conservation Status of the Species at the Site

The Phase 1 survey identified evidence that pipistrelle and long-eared bats had used the roof space of 134 Bassett Avenue. A phase 2 bat survey confirmed usage by a single common pipistrelle. It can therefore be concluded that the house at number 134 supports low-status roosts of up to two bat species. These roosts will be lost as a result of demolition of the building.

Appropriate mitigation measures aimed at maintaining at least the current level of bat activity have been included in paragraph 4.3.1 of the Phase 2 survey. Implementation of these measures will be secured through the use of a planning condition. In addition, a European Protected Species Licence (EPSL) will be required. The EPSL application will include the preparation of a clear and reasoned Method Statement which details the methods for maintaining the conservation status of bats at the site.