

Planning and Rights of Way Panel 31st January 2017
Planning Application Report of the Service Lead - Infrastructure, Planning and Development

Application address: Southampton Common Paddling Pool, The Common, Southampton			
Proposed development: Installation of a replacement play area with fencing, associated structures and changes in level, following removal of paddling pool			
Application number	16/01883/R3CFL	Application type	R3CFL (Council)
Case officer	Stephen Harrison	Public speaking time	5 minutes
Last date for determination:	27.12.2016	Ward	Shirley
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Cllrs:	Cllr Chaloner Cllr Coombs Cllr Kaur
Applicant: Southampton City Council		Agent: Tony Hill (SCC Play Services)	

Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed play area requires planning permission although it is noted that certain works could, in isolation, be considered as 'permitted development' under Schedule 2 Part 12 Class A of the Town and Country Planning (General Permitted Development) (England) Order (2015). The replacement play facility is supported by the Development Plan. Other material considerations including the loss of the existing paddling pool and subsequent impacts on trees, archaeology and ecology have been considered, were reported to the Planning and Rights of Way Panel on 31st January 2017, 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 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. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies – SDP1, SDP7, SDP10, SDP11, SDP12, HE5, HE6, NE2, NE3 and NE4 of the City of Southampton Local Plan Review (Amended 2015) and CS13, CS19, CS21 and CS22 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) as supported by the National Planning Policy Framework (2012).

	Appendix attached		
1	Relevant Development Plan Policies		

Recommendation in Full

Conditionally Approve

1.0 The site and its context

- 1.1 This planning application relates to the replacement of children's play equipment, and removal of the paddling pool, on The Common. The application site itself is currently formed by the existing concrete paddling pool, which is contained by a low level fence, but then extends eastwards towards the boulevard of trees that links through to the Cowherds pub, thereby taking in 4 Oak Trees, a Redwood and a Horse Chestnut. The site sits on a mound above what is otherwise a level part of The Common.
- 1.2 As the Panel will be aware The Common is defined by its expansive areas of open character and associated vegetation and tree cover. Whilst much of The Common is designated as a Site of Special Scientific Interest (SSSI) for its wildlife, the application site and the existing play area are located outside of this designation. The site does, however, form part of a Site of Importance for Nature Conservation (SINC), which is a local designation. The land is within Council ownership and the nearby Cowherds pub is a Grade II listed building.

2.0 Proposal

- 2.1 Full planning permission is sought by the Council (as applicant) to replace the existing children's play area and paddling pool with a new bespoke facility.
- 2.2 In January 2016 a report was taken to the Council's Cabinet seeking approval to undertake a consultation for the design of the proposed play area with delegation given to undertake the necessary work *'to progress the delivery of the Play Area at Southampton Common, including but not limited to entering into contracts for goods and services, obtaining consents and permissions and any other ancillary or related matters'*. The Cabinet supported the recommendation and also approved the addition of up to £500,000 to the Environment and Transport (City Services) Capital Programme for the Southampton Common Play Area.
- 2.3 The brief to the consultants was to design a new play facility integrating water play and dry play onto and adjacent to the site of the existing paddling pool. The paddling pool will be decommissioned and the play area moved to the site it currently occupies. The new play facility would include state of the art water play as well as the more traditional climbing and swinging apparatus. The facility would be extended beyond the existing paddling pool footprint to include land to the east.
- 2.4 The Cabinet report highlighted that removing the paddling pool with 'water play' would have the benefits of removing the need to provide life guards; it could be open for extended periods of good weather; the costs for the filtration and chlorination plant are likely to be reduced; and there would be no filters for newts to fall into reducing risk to the Council of breach of environmental and protected species legislation.

- 2.5 As part of a bespoke design the proposals include, within a 1.2 metre high galvanised steel mesh boundary fence with self-closing gates, 4 metre long oak benches with back rests, 7.5 metre high play tower featuring rope bridges, tunnels, scramble nets and a long slide, a variety of swings, an embankment slide and ramp, a hollow log climbing structure, water play areas including hand operated pumps, arrow and shallow concrete channels and sluice gates, a small waterfall over boulders into various channels, natural swales area featuring stepping stones and low timber bridges, decking and sand area, 5 no. three metre high climbing trees, a 4.3 metre high double zip wire, an accessible roundabout, bespoke tree top nests – featuring two nests, a bridge slide, tunnel and accessible ground nest, picnic benches with associated landscaping and an improved footpath link down to the Hawthorns Centre. The applicants also seek to repaint the existing kiosk building.
- 2.6 The space will be able accommodate up to 600-700 visitors at one time. There will be no new vehicle parking provided in these proposals, but there are existing pay and display and on-street parking spaces available on the perimeter of The Common. Cycle racks will be included at each pedestrian gate entrance (for a total of 15). Dog tethering posts will be included at each pedestrian gate entrance. Bins will be provided at each gate entrance. No lighting or CCTV are included in these proposals.
- 2.7 The existing play area will remain until the new one is fully operational and then the land will be re-turfed. The adult fitness area and the cycling proficiency areas will remain where they are.
- 2.8 This scheme requires planning permission, although the Council is afforded an extensive range of ‘permitted development’ allowances as set out in Schedule 2 Part 12 Class A of the Town and Country Planning (General Permitted Development) (England) Order (2015), as will be explained later in this report.
- 2.9 Works on the Common of the nature proposed would require prior consent from the Planning Inspectorate (on behalf of the Secretary of State) under S.38 of the Commons Act (2006), even if the Panel were supportive of the development in planning terms.

3.0 Relevant Planning Policy

- 3.1 The NPPF came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.2 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (Amended 2015) and the City of Southampton Core Strategy (Amended 2015). The most relevant policies to these proposals are set out at **Appendix 1** to this report.
- 3.3 In terms of the Council’s ‘permitted development’ allowances, meaning that planning permission would not be required, Schedule 2, Part 12 Class A of the Town and Country Planning (General Permitted Development) (England) Order

(2015) allows for:

The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of

- (a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;*
- (b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.*

3.4 The only limitation to these provisions is that any small ancillary building, works or equipment shall not exceed 4 metres in height or 200 cubic metres in capacity.

3.5 On this basis officers consider that whilst full planning permission has been sought for a replacement playground, and the Panel has a duty to consider the application as a whole rather than pick and choose the parts that may need permission, only the structures exceeding 4 metres in height, namely the 7.5 metre high play tower and 4.3 metre tall double zip wire, would strictly trigger the need for planning permission had they been submitted as standalone items.

4.0 Relevant Planning History

4.1 None of relevance.

5.0 Consultation Responses and Notification Representations

5.1 The Council (as applicant) undertook its own public consultation prior to the submission of its planning application. Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken, which included erecting 5 site notices on 25th November 2016. At the time of writing the report **8 objections** have been received. In addition there has been a Panel referral request from Cllr Moulton, and an objection from the Southampton Common and Parks Protection Society (SCAPPS) as set out below. The following is a summary of the relevant planning related points raised:

5.2 **Generally supportive of upgrading existing children's play equipment, but all feel strongly that the existing paddling pool should be retained and the replacement water play offer (similar to that at St James' Park – which often fails) is no substitute. A water splash park would be a better alternative to that shown. The current paddling pool is packed during the summer. Access to play for disadvantaged families will be severely restricted as they will no longer have access in the city to free water play of the type currently on offer. Wheelchair access to the facility needs careful thought. The comments made at the public consultation stage have been ignored.**

Response

The main point regarding the loss of the paddling pool is made by all objectors and is clearly an emotive issue and one that, I suspect, would have been made by more people had the application been made in the Summer months when the existing paddling pool is in full use. In strict planning terms the existing paddling

pool is not specifically protected by the Development Plan, and the applicant and owner (the Council in this case) could, arguably, infill up to 200 cubic metres of the pool under Part 12 of the GPDO without the need for planning permission. Failing that, the Council could also close the pool indefinitely without the need for planning permission. As such, any concerns regarding the loss of the paddling pool can only be afforded limited weight in the determination of this planning application and the objection is better made to the Council as owner and applicant. That said, the Council's Cabinet has already resolved to explore its closure when it considered and approved the scope for alternative proposals in January 2016.

5.3 Consultation Responses

5.4 SCC Ecology – Initial objection addressed by condition

The application site lies on Southampton Common and is currently used as a children's paddling pool. It lies close to, but outside, the Southampton Common Site of Special Scientific Interest (SSSI). Habitats present include amenity grassland, hard surfaces, trees and a small building. These habitats are of generally low ecological value however, great crested newt, *Triturus cristatus*, a species for which the SSSI is designated, has been found around the paddling pool.

5.5 The proposed development will involve the removal of the existing concrete paddling pool and replacement with a range of play structures, hard surfacing, sand and new planting. It is unclear how much amenity grassland will be lost however, with the addition of new tree planting this is unlikely to have an adverse ecological impact. The existing paddling pool is currently heavily used in the summer so the replacement play area will not introduce any new activities.

5.6 I support the lack of lighting which avoids potential impacts on nocturnal species including great crested newts and bats.

5.7 One area of concern is the presence of wet grassland and swale features which could be attractive to great crested newts. This would potentially put newts at risk of being injured or killed. Although the surrounding habitat is generally unsuitable for the newts they have been found in the drains of the existing paddling pool. It is not clear from the submitted information how newts will be kept out of the play area and I would like this to be clarified. I am also concerned about construction stage impacts from works required to change the gradient of the footpath to the hawthorns. The avoidance strategy section of the Phase I Survey & Mitigation Strategy does not mention the footpath or define the area of impact and needs to be amended to include it. I would also like to see a plan added to the Phase I Survey & Mitigation Strategy clearly showing the areas to be cleared by hand and the location of the site fencing.

5.8 The issues I've raised aren't fundamental and could be addressed through an improved mitigation strategy secured via a condition. This strategy would, however, need to address the operational phase in addition to the construction phase.

5.9 SCC Tree Team - No objections to the proposal in principle

There are a few inconsistencies in the arb report (e.g. two 'U' rated trees advised for removal, one 'U' rated tree advised for retention) but nothing that can't be sorted out with a pre-start site visit.

5.10 **SCC Heritage – No objection**

The majority of the works are contained within the former No 2 Reservoir. However, works outside of the footprint of the reservoir (including new footpaths, tree planting and any foundations) may damage archaeological remains. Therefore if consent is granted conditions should be attached.

5.11 **SCC Contamination – No objection**

The subject site is situated on land once occupied by a reservoir. The reservoir would have been backfilled with an unknown material which may have the potential to cause land contamination. Therefore I would recommend that a condition is added.

5.12 **SCC Environmental Health – No comment**

5.13 **SCC Highways – No highway objections**

5.14 **SCC Design – No objection**

5.15 **Hampshire Constabulary – No objection subject to CCTV**

There is no doubt in my mind that this facility would be an attractive target for crime and anti-social behaviour of varying types, further encouraged by the lack of an appropriate secure boundary. The application refers to the Jubilee Way Playscape in Kingston on Thames and having spoken to my colleague in that area I can confirm that similar incidents have occurred there. I can understand the desire not to make this a fortress enclosure but if that is the decision then the only other option is to provide some other form of 'capable guardian', i.e. CCTV (with or without lighting).

5.16 Lighting is a bit of a Catch 22, whilst it can be used to identify suspicious activity for further investigation, it is arguable that the lighting would only encourage attendance at night and that it is better to keep the place in darkness. If the facility is well overlooked from busy public spaces during the hours of darkness and there is a potential for activity there to be reported then lighting might help but I suspect this might not be the case and therefore, no lighting is considered the better option.

5.17 CCTV however is a MUST have in terms of providing a deterrent and a means of preventing incidents escalating (if monitored) and subsequently gathering evidence. The applicant should balance the cost of CCTV against the potential replacement and management costs and the equally important effect that crime and anti-social behaviour would have on the community and their ability/desire to use the facility. There are many examples where damage, graffiti, discarded drug paraphernalia, alcohol containers and broken glass have prevented or deterred children and parents from using or visiting them again.

5.18 Looking at the proposals, I would suggest that a single mega pixel 360 degree, pole mounted camera would be appropriate. Whilst it would be more expensive than a traditional camera, it would more than do the job of 4 standard fixed cameras, be capable of zooming in on areas even after an incident has occurred and they are less expensive to maintain.

5.19 **Response**

Officers agree that the installation of lighting would cause more planning objections to the scheme than would be solved. The requirement for CCTV by the Police is noted and forms a material consideration in the Panel's deliberations, but does not form part of the current proposals or the existing playground. Officers do not seek to impose a condition requiring CCTV but have made the applicant aware of the above comments. As the Council is landowner the provision of CCTV is something that can be installed in the future in the event that it becomes necessary. A refusal based on the lack of CCTV, when the existing play area doesn't have CCTV, is not deemed to be sustainable or reasonable.

- 5.20 **Southampton Common and Parks Protection Society (SCAPPS) – Objection**
SCAPPS submitted a representation on the Commons Act section 38 application which has yet to be determined (copy attached for information). There has been further exchange of responses; most recently giving the City Council's undertaking 'to work with SCAPPS during the detailed design stage'. SCAPPS welcomes & accepts that undertaking as a way to seek resolution of the various issues set out in SCAPPS' initial representation on the section 38 application.
- 5.21 SCAPPS welcomes the intention to invest in a replacement children's play area on The Common but regrets the loss of the only paddling pool in the city. SCAPPS intends working with the City Council to see if a paddling pool could be provided in another of the city's parks which can be designed so it has lower operating costs than the present pool on The Common.
- 5.22 Path to Hawthorns: Providing a safe, obvious and easily used link between new play area & The Hawthorns is a fundamental design requirement. It is unclear whether the earthworks needed to provide that path are included in the planning application (the route is not shown on the application site plan...?). No longitudinal section submitted to show scale/extent of earthworks to ease the gradient on the path; SCAPPS is content to accept this can be resolved later but the planning permission must include consent for the necessary earthworks and construction of the path.
- 5.23 Fencing against Coronation Avenue: City Council's latest response agrees that the line of fencing shown in the application plans may be amended to pull back the fencing on east side (shown on plans as hard against the tarmac path) from the path edge because it would be undesirably obtrusive in views along Coronation Avenue. The application should be amended or flexibility given in the permission so the fence can be relocated west of the trees lining the Avenue, reducing the size of the fenced area.
- 5.24 SCAPPS takes this opportunity to press the City Council to reinvigorate the urban-wildlife-centre element of The Hawthorns and its grounds. The initiating concept some 30 years ago was that The Hawthorns and its grounds should provide an exciting and interesting opportunity for children to experience nature at first hand. The displays are in need of updating/reinvigorating. The grounds no longer provide children with the chance to experience and interact with nature. Updating & improving the urban wildlife centre 'offer' should be timed so it is completed at the same time the play area opens -- the two should be undertaken together because one of the strong points made by the consultants was that the new play area should spark children's interest in exploring the natural aspects & wildlife of The Common. That objective seems, regrettably, to have been put to one side

5.25 **Response**

The applicants have provided the following response to SCAPPS:

“The re-provision of a paddling pool in the City can be discussed at a later stage, but is not in current scope. The footpath (to the Hawthorns) has not been included within the red line of this application as it was considered to fall under the Council’s permitted development rights as set out in Schedule 2 Part 12 of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is considered to be small works not exceeding 4m in height or 200 cubic metres in capacity. It does however fall within the Blue line of the council’s ownership and therefore can be part of any conditions that Planning wish to impose, should they be minded to grant permission. We have made a commitment to improve this existing path and to ensure that it becomes a well-used route between the two facilities throughout the consultation period. Our intention is to reduce the gradient and to make the path much easier to use. Reducing the bank at the top end of the path, adjacent to the existing paddling pool, is within the red line and will be part of the overall groundworks to install the new play area.

5.26 *The proposed fencing was placed in its current position after consultation so that no possible archaeological issues would be encountered, no problems would be encountered with tree roots, and there would be no need to excavate and lay a hard surface entrance route from Coronation Avenue to Play Area.*

5.27 *The updating of the Hawthorn Centre is a future project extending from the Play Area once funding has been identified, but is not in current scope. We do see the current play area and water features as contributing to the biodiversity of the Common and education through nature for children. Creating additional habitats free from chemicals and filtration systems. The great crested newt is an endangered amphibian known to exist in the area and it needs to be encouraged. The water play area will allow children to explore the various principles of natural water dynamics. The proposed planting of trees, shrubs and grasses will be another natural feature encouraging children to look, smell and touch, in other words very sensory. Having had initial consultations with local schools, able bodied and those where children have additional needs, we intend to revisit these schools encouraging future planning.”*

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application relate to:

- a) The Principle of Development & Residential Amenity;
- b) Design & Impact upon The Common;
- c) Trees & Ecology; and

6.2 Principle of Development & Residential Amenity

6.2.1 There are various levels of planning policy and legislative protection afforded to The Common. At the local level the LDF Core Strategy seeks to ‘protect and enhance’ existing open space (Policy CS21). Paragraph 5.4.11 adds that ‘*the LDF will seek to protect and improve the quality of open spaces and ensure adequate provision in a way which delivers the best outcome for the community, promotes participation in sports and active recreation, health and well-being and has regard for the city’s rich natural environment*’. The LDF also safeguards international,

national and local designated sites from inappropriate development, thereby promoting biodiversity and protecting habitats (Policy CS22). These points are also echoed by the more general criterion of Policy CS13, which also supports development that impacts positively on health, safety and amenity of the city and its citizens (Point 7), whilst seeking to improve accessibility throughout the city by ensuring that developments, including public places, are accessible to all users including senior citizens and disabled people (Point 9).

- 6.2.2 Within this policy context it is considered that the principle of replacing one play area with another, albeit with a different offer, can be supported. The infilling of the paddling pool and its subsequent loss, whilst regrettable and clearly a concern to those objectors that have written to oppose the scheme, is not something that the planning system can guard against given the ability of the Council to either close the facility in any event, or invoke their 'permitted development' allowances as set out above.
- 6.2.3 The nearest residential neighbour, excluding any accommodation above the Cowherds pub (which is 80 metres from the site), is located on the opposite side of The Avenue with some 150 metres separation. The Common is managed by Southampton City Council, who as a reasonable and responsible authority, will take the necessary measures to ensure that the park is managed and maintained properly. Should problems be caused to local residents by the late night use of the play area then other controls are in place. The development should not directly impact upon the residential amenity of local residents and is, therefore, compliant with Local Plan Policy SDP1(i) as supported by LDF Core Strategy Policy CS13(7).

6.3 Design & Impact upon The Common

- 6.3.1 Local Plan Review Policy HE5 seeks to ensure that development does not detract from the 'character or setting' of existing parks. In terms of design, the proposal is considered to create a vibrant and dynamic play space that will appeal to all age ranges. It has been described by the application as a 'Nature Play Trail'. While it is appreciated that some structures themselves have a height of over 4m (namely the 7.5m high bridge tower to the north of the existing paddling pool, and the 4.3m high zip wire top the east of the existing pool) the materials that they will be built from will be sympathetic to the parkland setting. The proposed landscaping will work to integrate the play equipment into the overall setting and appearance of The Common and soften the appearance of some of the more dominant structures.
- 6.3.2 In this instance the proposed development is focused upon areas of existing development. Whilst the play equipment will sit predominantly upon the site of the existing paddling pool, it will also be sited further eastwards towards the tree lined footpath on an area of existing open grassland. A low fence will mark this boundary. In mitigating against this impact it should be noted that the design of the play equipment involves natural materials and utilises timber as the predominant feature. The re-turfing of the land where the existing outdated equipment is located is also relevant to this consideration, and a condition is recommended to secure its removal following the completion of the works for which permission is sought. The replacement of play equipment is considered to respect the character of The Common and, with the exception of the paddling pool loss, improves the offer for children and the appearance of the park for all users.

6.4 Trees & Ecology

- 6.4.1 The planning application is supported by an up to date Tree Survey (October 2016) and Phase I Ecological Survey and Mitigation Strategy (September 2016). These documents have been assessed by the relevant consultees as acceptable and planning conditions are recommended to secure further information as the scheme is implemented.
- 6.4.2 The proposed play area incorporates existing trees into its design assisting in softening the appearance of the scheme, and the existing tree cover will be supplemented by additional soft landscaping. A formal landscaping plan can be secured with the attached planning condition.
- 6.4.3 The site is located within a designated SINC, away from the SSSI designation, but is often a habitat for newts meaning that further approvals may be required before implementation can take place. The submitted survey work concluded that the site is generally of low ecological value. The scheme has also been assessed by the Council's Ecologist as compliant with Local Plan Review policies NE2, NE3 and NE4, as supported by LDF Policy CS22, subject to the attached planning condition securing further details.

7.0 Summary

- 7.1 This planning application directly affects The Common. The replacement play area offers access for all users to a new facility, and replaces the dated equipment currently found on site. The main objection cited by third parties to the application concerns the loss of the existing paddling pool. There are no planning grounds for objecting to the loss of the paddling pool as it could be infilled, in part, without planning permission under Schedule 2, Part 12 Class A of the Town and Country Planning (General Permitted Development) (England) Order (2015). The legislation allows for the alteration by a local authority, such as the Council, of any works on land belonging to or maintained by them required for the purposes of any function exercised by them on that land. The existing paddling pool is well used in Summer months but is not without ongoing maintenance burden to the Council. The replacement equipment has been assessed as acceptable in terms of its impact upon the character of The Common and its associated ecology, tree cover and archaeology. It has been sensitively located to mitigate against its impact and can be supported.

8.0 Conclusion

- 8.1 It is recommended that conditional planning permission for this development is granted.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1(a)/(b)/(c)/(d), 2(b)/(d), 4(f), 6(a)/(b).

PLANNING CONDITIONS to include:

1.Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no 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).

2.Approved Plans

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

Reason:

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

3.Archaeological watching brief

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

4.Archaeological watching brief work programme

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the archaeological investigation is completed.

5.Tree Retention and Safeguarding (Pre-Commencement Condition)

All trees to be retained within and adjacent to the approved play area 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. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

6.No storage under tree canopy (Performance)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site

within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

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

7.Unsuspected Contamination (Performance)

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. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by 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.

8.Ecological Mitigation

Notwithstanding the submission of EcoSupport Limited Phase I Survey and Mitigation Strategy (September 2016) no works to implement the playarea hereby approved shall be carried out until a further Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. This document shall detail, for instance, the loss of amenity grassland, with further details of the wet grassland and swale features which could be attractive to great crested newts (with measures to prevent them accessing the new playarea), construction stage impacts from works required to change the gradient of the footpath to the hawthorns with a plan added to clearly showing the areas to be cleared by hand and the location of the site fencing. An operational mitigation strategy is also required. The playarea hereby approved shall be implemented and operated in accordance with the agree details.

Reason:

In the interests of local biodiversity and to satisfy the concerns raised by the Council's Ecologist to the planning application.

9.Phasing

With the exception of the existing adult fitness area and cycling proficiency area which are to be retained, all existing play equipment shall be removed from The Common and the land re-turfed within 6 months from the new play area first coming into public use.

Reason:

In the interests of visual amenity and to mitigate against the new play areas encroachment into existing areas of grassland.

10.Hard & Soft Landscaping

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours; means of enclosure; pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. a landscape management scheme.

The approved hard and soft landscaping scheme for the whole site shall be carried out prior to the first use of the playarea hereby approved 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.

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.

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS19	Car and Cycle Parking
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity & Protecting Habitats

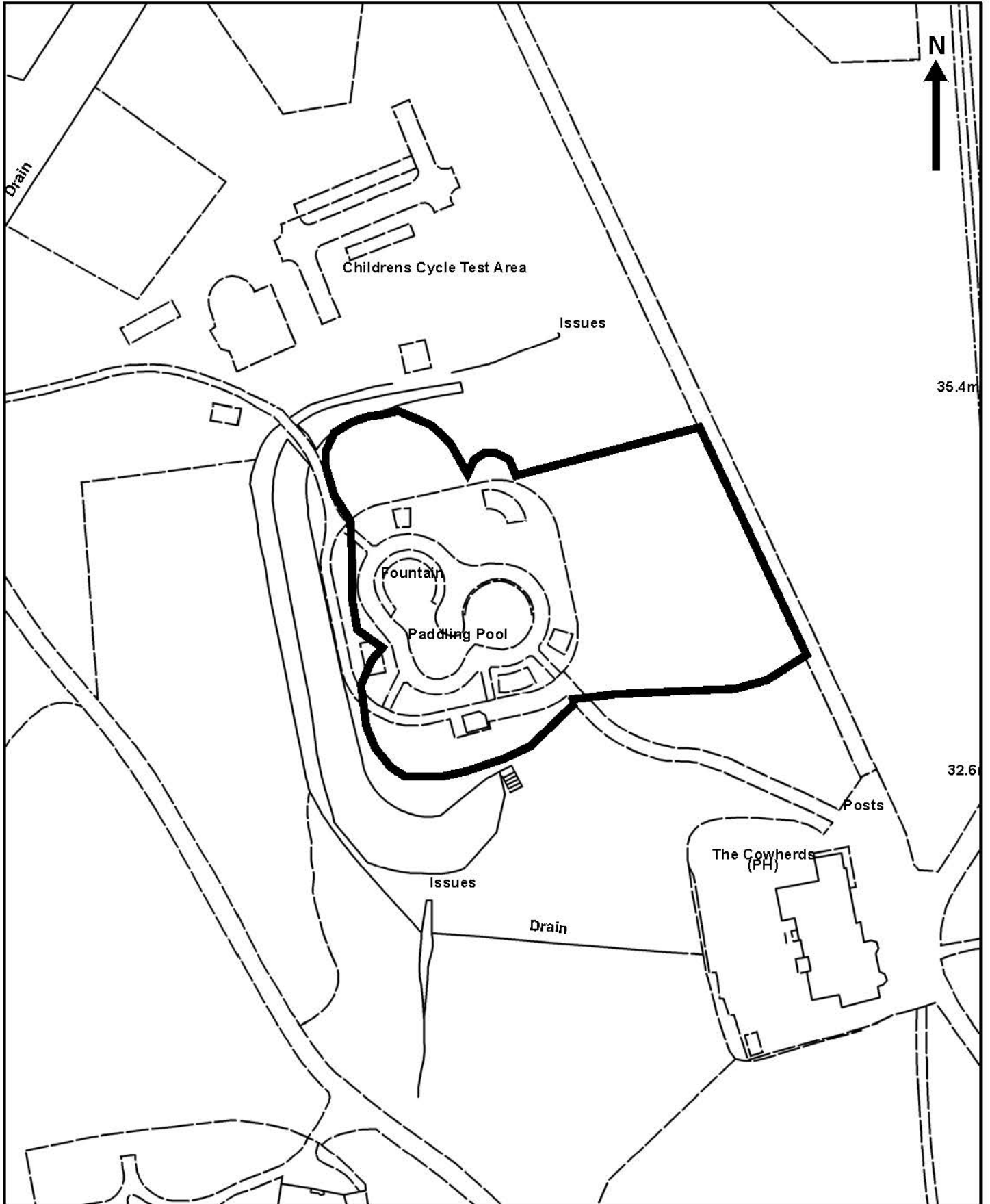
City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP7	Context
SDP10	Safety & Security
SDP11	Accessibility & movement
SDP12	Landscape & Biodiversity
HE5	Parks & Gardens of Special Historic Interest
HE6	Archaeological Remains
NE2	National Sites (SSSI)
NE3	Sites of Importance for Nature Conservation (SINC)
NE4	Protected Species

Other Relevant Guidance

The National Planning Policy Framework (2012)

16/01883/R3CFL



Scale: 1:1,250

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