

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (EAST) - 27 October 2015
Planning Application Report of the Planning and Development Manager

Application address: Former Oaklands School (Oasis Academy Lordshill), Fairisle Road, SO16 8BY			
Proposed development: Redevelopment of the site to provide 103 dwellings in two and three storey buildings (41 flats, 62 houses) with associated access, parking and landscaping (involves diversion of existing cycleway and footway - outline application seeking approval for access, layout, scale and landscaping).			
Application number	15/00340/OUT	Application type	OUT
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	21.07.2015 (MAJOR) Extended 02.11.2015	Ward	Coxford
Reason for Panel Referral:	Request by Ward Members and Major planning application subject to five or more letters of objection	Ward Councillors	Cllr Morrell Cllr Spicer Cllr Thomas
Referred by:	Ward Cllr Morrell Ward Cllr Thomas	Reason:	Car Parking Loss of Right of Way Affordable Housing

Applicant: Southampton City Council	Agent: Capita Property & Infrastructure
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Recommendation Summary	<ul style="list-style-type: none"> i) Approve the Habitats Regulations Assessment ii) Conditionally approve outline planning application iii) Confirmation of Right of Way Stopping Up & Diversion
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Community Infrastructure Levy Liable	Yes
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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 impact of the proposed development, in terms of visual and neighbour amenity, highway safety and parking are considered to be acceptable for the reasons detailed in the report to the Council's Planning and Rights of Way Panel on 27th October 2015. Particular account has also been taken of the third party response to the scheme, including the existing parking problems experienced around the neighbouring Fairisle schools at the start and end of the school day, the quality of the proposed redevelopment proposals, the associated regeneration benefits and improvements to local housing (including a high percentage of affordable and family housing), current market conditions and the overall viability of the scheme. An assessment under the current Habitat Regulations has been undertaken and confirms that the development can mitigate against its impacts upon the affected Special Protection Areas in the local area. The scheme has been assessed against the following policies and is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. 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).

City of Southampton Local Plan Review (amended 2015) policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE4, HE6, CLT3, CLT5, CLT6, CLT7, H1, H2, H3 and H7 and City of Southampton Core Strategy (amended) policies CS4, CS6, CS11, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 as supported by the relevant national planning guidance and the Council’s current supplementary planning guidance listed in the Panel report.

Appendix attached			
1	Habitats Regulation Assessment (HRA)	2	HRA – Appendix 2
3	HRA – Appendix 3	4	HRA – Appendix 4
5	Development Plan Policies	6	Site Plan

Recommendation in Full

1. Panel confirm the Habitats Regulation Assessment in **Appendices 1-4** of this report and then:
2. Conditionally approve the Council’s outline planning application; and,
3. Approve the proposed stopping up and diversion to the existing Right of Way along the site’s western boundary.

Procedural Context and Background

This type of application is known as a ‘Regulation 3’ application and relates to proposals made by the Local Authority for development that it wishes to undertake as part of its remit as a public sector service provider. It is general practice that, following the proper assessment of the planning merits of the proposal, Regulation 3 applications should be either approved, if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal/appeal.

Furthermore, as the Council is unable to enter into a S.106 legal agreement with itself, as would be the case with other applicants, the mitigation package and affordable housing required to make this development acceptable will be secured as part of the contract of sale when the land is sold to a developer. The National Planning Policy Guidance (NPPG) confirms that a planning condition can take the place of the S.106 legal agreement in such cases to ensure that the agreement is secured prior to the commencement of development and does not fetter the release of the planning permission – assuming that this recommendation is supported by the Planning Panel.

The application was removed from the Panel agenda on 23rd June 2015 following the late receipt of a holding objection from Natural England (NE). At that time NE were of the opinion that the scheme had not properly explained how it would mitigate the impact of residents from the development using the New Forest Special Protection Area for recreational purposes. The attached Habitats Regulations Assessment (HRA) at **Appendices 1-4** has addressed this issue and needs approval by Panel prior to the determination of the planning application. It concludes as follows:

The application site is a former school within the centre of Lordshill. The distance between the designated sites and the application site mean that temporary construction phase

*impacts will not occur. There is a risk however, that during the operational phase, recreation activity, in-combination with recreational activity arising from other residential developments in south Hampshire could adversely affected the designated birds and habitats. The findings of the initial assessment concluded that a significant effect was likely through one impact pathway. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that **the significant effects which are likely in association with the proposed development can be overcome.***

In light of the HRA NE no longer object to the planning application.

1.0 The site and its context

1.1 This application relates to the redevelopment of the former Oaklands Secondary School site, which was accessed directly from Fairisle Road. The site has a gross area of 3.14 hectares. The school itself ceased occupation in 2013 following the opening of the Lordshill Academy (LPA ref: 10/01283/R3CFL), and has been demolished for health and safety reasons prior to the application being submitted (LPA ref: 13/00498/DPA). Prior to these demolition works taking place the site was developed as a secondary school with hard surfaces for sports use and a car parking area.

1.2 The character of the area is predominantly residential with terraced housing fronting the street. The application site itself slopes broadly north to south and is characterised by mature trees, a central landscape bund and the recently refurbished Oakland's swimming pool (with community centre), which forms the site's eastern boundary. The site's southern and northern boundaries are marked by mature trees, a pedestrian footpath and right of way.

1.3 The Lordshill District Centre is located to the south-east of the site and can be easily accessed by foot via the existing subway. The Fairisle Infant (including a nursery) and Junior Schools are located to the south-west of the site within easy and convenient walking distance of the site. Locally the site is identified as having 'high' accessibility due to there being more than 20 buses an hour within 400m of the site, with good access to local employment, shops and services provided at the Lordshill District Centre (including a library, doctor's surgery and church).

1.4 The trees on the site are largely located around the perimeter and are mostly planted as part of a landscape scheme. Two mature oak trees at the western corner of the site and one sweet chestnut at the northern entrance to the school are considerably older and larger than the other trees. As the site is owned by the Council it treats these trees as if "they were subject to tree preservation orders" although no formal TPOs apply to the site. A TPO may be applied to these trees prior to any subsequent land sale. The site is not within a Conservation Area.

2.0 Proposal

2.1 Outline planning permission is sought for the redevelopment of this 3.14 hectare school site with 103 dwellings with a residential density of 33 dwellings per hectare (dph). All matters, with the exception of external appearance, are for consideration at this stage. As such, the Panel are being asked to consider the principle of redevelopment for 103 dwellings, the site's proposed 'Layout', the site's proposed 'Access', the height and 'Scale' of the proposed buildings and the

site's 'Landscaping' and tree loss/replacement. The following residential mix is proposed:

	1 bed	2 bed	3 bed	4 bed	Total
Flats	17	24	-	-	41 (39.8%)
Houses	-	18	30	14	62 (60.2%)
Total	17	42	30	14	103

- 2.2 The proposed buildings are a mix of two and three storey blocks with pitched roofs, although the exact design and external appearance is reserved at this stage. The scheme proposes 35% affordable housing, which is compliant with Policy CS15, and 43% of the dwellings meet the definition of family dwellings providing at least 3 bedrooms and a private garden that is 'fit for purpose'. The policy CS16 requirement for family housing is 30%.
- 2.3 The Fairisle Close access is retained and the pool is given its own access from Cromarty Road thereby making it a self-contained site. An internal loop road is proposed with housing fronting the street in a perimeter block layout. Onsite public and private amenity space is provided. In order to improve the residential layout and security/surveillance of the public spaces it is proposed to divert the existing north-south footpath (on the site's western boundary) through the site thereby avoiding the need for a footpath running along the backs of proposed residential gardens. The existing pedestrian access towards the south-east subway is retained.
- 2.4 A total of 177 on-site parking spaces are provided, including 2 garaged spaces and 12 visitor spaces. An allocation of 2 spaces per house and 1 space per flat is proposed. All dwellings have access to private amenity space, in the form of balconies, gardens, and communal open space that is supplemented by the provision of on-site public open space and a children's play area. The proposals include the removal of 22 existing trees (some of which have been given a Category B rating worthy of retention). A full tree replacement on a 2:1 basis is proposed and it is likely that the site will be TPO'd in the event that it is released to a private developer.
- 2.5 The Council has secured the approval of the Secretary of State for the disposal of the school site. Whilst capital receipts are not ring-fenced it is proposed that the capital receipt from the sale of the land with outline planning permission to a private developer will be used to retro-fund the recent investment in the adjacent Oakland's swimming pool site (as agreed by Cabinet and Council in October and November 2013 respectively). To date capital funding totalling £1.67 million for the pool (in various tranches) has been approved and the pool has now reopened following its last closure. Whilst this is relevant background it should not influence the consideration of this planning application.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 5**. LDF Policy CS11 seeks to safeguard education sites unless it can be demonstrated that the land and/or buildings are no longer needed for educational use. The opening of the nearby Academy (LPA

ref: 10/01283/R3CFL) allows this site to be released for an alternative use in accordance with Policy CS11. The Council's Strategic Housing Land Availability Assessment (SHLAA) earmarks the site for some 120 dwellings.

- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The National Planning Policy Framework (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.

4.0 Relevant Planning History

- 4.1 Various historic applications relating to the former school site followed by a series of applications leading up to the redevelopment of this site, and the refurbishment of the retained pool and community room:
- 4.2 14/01901/R3CFL – Conditionally Approved 05.01.2015
Alterations to the former Oaklands Nursery Building in connection with conversion to a community centre
- 4.3 14/01754/R3CFL – Conditionally Approved 16.12.2014
Formation of car parking area and vehicular access onto Rownhams Road North and alterations to pedestrian access within the site.
- 4.4 14/00855/R3CFL – Conditionally Approved 13.08.2014
Reconfiguration of car park to provide 45 parking spaces in total, including 2 disabled spaces and 5 motorcycle spaces, 20 cycle spaces and other environmental improvement works to paths, storage and furniture.
- 4.5 13/01609/DPA – No objection 07.11.2013
Prior Approval for the proposed demolition of the SEN Building.
- 4.6 13/00498/DPA – No objection 24.07.2013
Prior approval for the proposed demolition of existing buildings (excluding the swimming pool, pre-school and SEN buildings)

5.0 Consultation Responses and Notification Representations

- 5.1 The City Council (as applicant) have engaged with the local community regarding the scheme and held a public consultation event on 13th February 2015. Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners (28.04.15), placing a press advertisement (08.05.15) and erecting a site notice (01.05.15). At the time of writing the report **16 representations** have been received from surrounding residents (including 2 Ward Cllrs).
- 5.2 **Cllr Thomas** – Objection lodged.
Panel members need to be aware of the history of this location and recognise the

real opportunities in front of them, not only to improve the quality of life for so many local residents, but also for the new residents who will be moving into this new development. The Daily Echo raised on its front and inside pages last September how fed up Lordshill residents were, and how they threaten after decades of grief to barricade the road to stop the school runs. Everyone understands that every school has its parking problems but Fairisle School, which by the way has another two extra new classrooms being built in the pipeline (60 extra children), has a one way in and a one way out which creates the chaos around this location.

5.3 Two Real Opportunities

- (1) Panel members can end the school drop off parking nightmare on the neighbouring streets of Fairisle Road, Orkney Close, and Malin Close, which also spills-over onto Lordshill Way, and Cromarty Road, and its side streets.
- (2) Panel members can prevent the traffic nightmare diverting from the above roads straight onto the new roads of the new development.

5.4 A purpose built modest size car-park within the new development which will not affect any of the new dwellings could quite easily be formed solving once and for all the traffic nightmare not only for this community but also for the new community being created. The panel may well be told that creating a car-park within the new development is not grounds for an objection, but I would argue that the prevention of future traffic chaos should be seen as grounds. This really is a once in a lifetime golden opportunity - the Panel can make it happen.

5.5 Two other concerns are

- (1) where are the “affordable homes” within the proposal?
- (2) Making sure the new development does not encroach on our public right of way which is the cycle pathways and our walk-ways that surrounds this site.

5.6 **Cllr Morrell** – Objection lodged

The residents of Fairisle Road, Malin Close and Orkney Close have for many years suffered extreme inconvenience because of their proximity to the Fairisle Schools. Fairisle Road has only one way in and out and this causes traffic chaos when children are being delivered to or collected from school. Many drivers park with little regard for residents, and at times appear to have little regard for children and adults when they are attempting to navigate their way through the melee of vehicles. I have witnessed traffic problems outside many schools in the city and the problem here surpasses them all by a wide margin. The Fairisle schools are popular and expanding - the traffic problem, unless it is addressed, will get worse, especially given that more families with school-age children will be moving into homes on the proposed development. In the interests of safety for the children of the Fairisle schools, and to alleviate the intolerable inconvenience cause to local residents, I urge you to consider either retaining some of the land in City Council ownership or, alternatively, requiring the amendment of this application to incorporate a car-park in the proposed development, to be used only by vehicles taking and collecting children to school.

5.7 The planning application includes the incorporation into the development of existing footpaths and cycle-ways on two sides of the site and replacing them with new footpaths within the development. Given that the existing footpaths and cycle-ways are used continuously by local residents and by large numbers of pupils of Oasis Academy during certain times of the day I am not sure that the proposed new footpaths will be adequate or appropriate.

- 5.8 The planning application does not include any provision for affordable homes - this omission needs to be rectified.
- 5.9 **Response** to the Cllrs concerns relating to car parking, the affected right of way and affordable housing by officers:
- 5.10 *1. Car Parking*
The Council (as applicant) should be treated the same as any other applicant and they have a right to have their planning application considered and determined as submitted. The existing problems with parking in the vicinity of the Fairisle Schools are well documented, but are not caused by the current proposals. In fact it is unlikely that residents of the new development would chose to drive to Fairisle Schools, thereby exacerbating an existing problem, given that the school gates are only some 250m from the furthest proposed dwelling. In addition the proposal for 103 dwellings is supported by 177 of its own parking spaces (including 12 visitor parking spaces) thereby exceeding the Council's maximum parking standards. Every property has its own allocated parking reducing the likelihood of any overspill. Furthermore, the loss of the former secondary school to an alternative use should actually ease pressure caused by parents dropping off and collecting children at the start and end of the school day.
- 5.11 Whilst the idea of a drop-off car park to serve the school may be a good one, and the concerns of the Cllrs and affected neighbours are noted and relevant, it too raises a number of issues:
- 5.12 Firstly, the applicant does not wish to include a car park in their scheme and, instead, needs to secure a capital receipt to retro-fund the Oaklands pool refurbishment that may have otherwise closed. Any reduction in the site's developable area will reduce the likely capital receipt. The applicant's application should be determined as submitted.
- 5.13 Secondly, the City's schools are trying hard to discourage parents/pupils from arriving by car – with varying success - and providing additional off-site school parking would undermine this approach. The City's schools are not providing car parking for parents drop off and collection needs, and instead seek to encourage parents to use alternative modes than the car. In this instance, the applicants have reported that (in addition to a commitment to greener travel) the schools have agreed an arrangement with the nearby Sainsbury's to allow parents to park there ahead of drop-off and collection. It is hoped that this will ease the pressure on local roads close to the school – however this arrangement has been in place for a number of years and may need revisiting.
- 5.14 Thirdly, additional and convenient parking may encourage more parents to drive which could exacerbate the problem further.
- 5.15 Fourthly, as the Fairisle schools (junior, infant and nursery) currently have a combined pupil role of some 670 children it is unclear how many extra car parking spaces would be needed before the existing problem could be satisfactorily resolved.
- 5.16 Finally, it is unclear who would take on the ownership, liability and ongoing management responsibilities of any retained car parking spaces.

As such, this particular objection to the current planning application, whilst fully

5.17 understood, should be afforded little, if any, weight in the planning application's determination principally because the parking issues are caused by the nearby school and not the proposed development itself. A planning condition is, however, recommended to ensure that deliveries during the construction phase do not occur at peak times for the local schools.

2. *Right of Way*

5.18 The application proposes the closure of an existing right of way around the site's perimeter. However, so as to improve the relationship between the proposed dwellings and the existing north-south link (on the western boundary) it is proposed to divert, stop-up and create a new route – for both pedestrians and cyclists - through the development rather than retain it along the rear fence of the proposed dwellings (Nos 5-14). Having back gardens abutting public routes is not good practice and can lead to increased levels of crime and anti-social behaviour. By diverting this existing route the scheme maintains access for those residents in Orkney Close requiring access to the rear of their property, whilst improving the surveillance of this north-south link (diverted to the fronts of the proposed dwellings at 5-14) without compromising existing access. The east –west link (along the site's northern boundary), which is the main route to the new Academy, will be unaffected by these proposals. This approach has been taken following input and advice from both SCC Highways and Hampshire Constabulary.

3. *Affordable Housing*

5.19 The Council (as applicant) has confirmed that the scheme can provide 35% affordable housing in line with planning policy. A S.106 legal agreement to this effect can be secured when the land (with permission) is transferred to a private developer. A planning condition is recommended also so that development cannot commence until the legal agreement has been completed. The Council (as applicant) has made it clear that the affordable housing obligations may be achieved via off-site 'surrogate' sites, which are in themselves subject to a planning application process. At this stage, however, the current planning application proposes on-site provision and is policy compliant.

5.20 The following is a summary of the points raised by affected neighbours and third parties in relation to this application:

- Need for parking to serve the existing Fairisle schools.
See response above.
- Loss of vital cycleway.
See response above.
- Density of development is out of keeping (too high).

Response

The development site is heavily constrained by the existing central mound and the mature trees which form its boundary. In areas of high accessibility the development plan advises that developments in excess of 100dph may, in principle, be acceptable. Without the site constraints listed this could yield a development in excess of 300 dwellings. The Council's Strategic Housing Land Availability Assessment (SHLAA) earmarks the site for some 120 dwellings recognising the current constraints. The proposed layout provides a good residential environment and a density of 33dph which is deemed appropriate in these circumstances.

- Loss of trees and shrubs.

Response

The site layout has been designed around the existing trees, but will result in the loss of 22 trees of varying quality – mainly from the centre of the site. This follows a detailed Tree Survey with input from the Council's Tree Officer. The majority of trees including the site's southern tree belt are to be retained. No tree objection is raised from this consultee and the scheme largely retains its landscaped setting and character.

- Insufficient local services to deal with this increase in population.

Response

The site is within walking distance of the Lordshill District Centre, adjacent to the refurbished swimming pool and community rooms, and broadly opposite the Fairisle schools with good access to the Academy on Romsey Road. There is no submitted evidence that suggests that these existing services could not accommodate the additional population and no objection has been received to the development from these services themselves. Furthermore, the development would make a significant contribution towards the Community Infrastructure Levy (CIL - currently £70/sq.m of new residential floorspace), which can be put towards infrastructure improvements (including health and education) across the City.

- Loss of open space.

Response

The former school car park and pedestrian routes are not considered to be open space for the purposes of planning. They are currently used for informal play, but this should not prejudice the site coming forward in the future for an alternative use. In addition to funding the refurbishment of the swimming pool the redevelopment proposals include areas of on-site informal and formal play for children in line with Local Plan policies CLT5 and CLT6. The site plan shows some 1,400sq.m set aside for outdoor play. These play areas will also be available for existing residents and will be managed as public open space. This scheme represents a net gain in public open space.

- Overlooking of residents in Rockall Close is proposed.

Response

The design of the dwellings is not yet known and window details can be resolved at the Reserved Matters stage. That said, the layout is fixed at this stage and it proposes a run of 3 storey flatted blocks set off the northern boundary. The separation distances involved between buildings are between 25 and 35 metres and are further mitigated by the retained tree planting along this boundary and the orientation of the buildings. This relationship is acceptable in planning terms.

- The new dwellings are too close to the existing residents in Orkney Close.

Response

The residential terrace of 2 storey houses along the site's western boundary leaves a separation distance between buildings of some 16-17 metres. This is further mitigated by existing planting and the orientation of the proposed buildings to the existing neighbours and their parking frontages. This relationship is acceptable in planning terms as care has been taken to ensure that no direct inter-looking is proposed.

- Noise and disturbance caused during the construction phase.

Response

All new development results in some short-term noise and disturbance to existing neighbours. Planning conditions are recommended to limit this impact as far as possible, including a restriction on the days/hours that development can take place and where contractors will park for instance.

- The site should be turned into a park with café to serve existing residents.

Response

Whilst such a proposal would be acceptable in principle this is not the application that has been submitted, and a residential scheme on this previously developed site is also acceptable in principle and should be considered.

Consultation Responses

5.21 SCC Highways – No objection following additional information.

The site was previously occupied by the Lordshill Oasis Academy, a secondary school. It took its only vehicular access from Fairisle Road, off of Lordshill Way. The proposal continues to follow this route, although it opens up pedestrian and cycle routes around the site perimeter which helps to encourage more sustainable travel due to more convenient linkages. The site is within the residential area of Lordshill, and is very conveniently located adjacent to the local centre, shops and schools, and in close proximity to the M27 corridor. The proposals include the provision of a total of 103 residential units, with local infrastructure, and parking meeting the maximum provisions within the SCC Parking Standards 2011 SPD. No objection raised subject to planning conditions and a S.106 to secure a Traffic Regulation Order (to reduce speed limits around the school to 20mph), additional street lighting, improved lighting to existing subways, improvements to the local cycle/footway network, and improved pedestrian crossings to Fairisle School. Detailed comments as follows:

5.22 i. Layout

The development offers good permeability to pedestrians and cyclists and a single entry point for vehicles. The pedestrian and cycle routes within the development offer a more inclusive feel than the section to be stopped up, as there is good natural surveillance and activity within the area of the proposed route. The unaltered section will benefit from better surveillance making it more welcoming to use, and reducing risk of anti-social behaviour. The closed off section of cycleway footpath concerns me as to how this will be controlled and regulated. I would be concerned that we could be designing in a convenient location for anti-social behaviour.

5.23 ii. Refuse collection

The layout allows a refuse vehicle to drive round the site, whilst needing to conduct several reverse manoeuvres to access some dwellings. It must be reinforced that the refuse vehicle is only expected to reverse the length of itself, and any euro bins will need to be collected from within a 10m distance of the stationary vehicle, and wheelie bins 30m.

5.24 iii. Highway safety

The proposed vehicular access point for the development is similar to the previous use, from Fairisle Road. This access is just off of a large 4 armed roundabout on Lordshill Way where historically there appears to have been low levels of accidents. Most accident data for the whole area primarily involves vehicle on vehicle conflicts at approaches to the roundabouts, with no pedestrian casualties, and 7 out of 34 accidents involving cyclists or motorcyclists. The layout

of the area generally keeps pedestrians away from the main carriageways and offers numerous underpasses throughout the area, to all strategic locations. Whilst underpasses are generally considered to be outdated in their design, it is quite clear in this instance that there is good usage of these facilities, higher usage levels provide users with greater confidence.

5.25 SCC Highways have seen comments submitted about concerns of the parent parking for the Fairisle schools, and the disruption this causes at the start and finish of the school day. This is a situation which needs to be controlled by good robust travel planning with the school, and providing parents with a formal area to park not only encourages more parents to drive to the school, but also defies the aspirations of getting children to school in a more sustainable and healthy manner. It is also not a problem created by this proposed development, it already exists, and should be somewhat lessened by the relocation of the Lordshill Oasis Academy.

5.26 **SCC Housing** – No objection

As the scheme comprises 103 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 36 dwellings. Policy CS15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:

1. On-site as part of the development and dispersed amongst the private element of the scheme.
2. On an alternative site, where provision would result in more enhanced affordable units, through effective use of available resources, or meeting a more identified housing need such as better social mix and wider choice
3. Commuted financial payment to be utilised in providing affordable housing on an alternative site

In this case provision would be sought on site.

5.27 **SCC Sustainability Team** – No objection

Due to changes with Code for Sustainable Homes, currently an application for a new build residential development of this type is required to achieve 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4). Conditions are recommended.

5.28 **SCC CIL Officer** - The development will become CIL liable at reserved matters stage. The charge will be levied at £70 per sq.m on the Gross Internal Area of the new development. If any existing floorspace is to be used as deductible floorspace the applicant will need to demonstrate that continuous lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development. As demolition has already taken place this may not be possible.

5.29 **SCC Ecology** – No objection

The application site comprises a central area of hardstanding with amenity grassland, broadleaved woodland and scrub. A number of buildings that were formerly present on the site have been demolished. The biodiversity interest of the site is concentrated within the woodland on a bund running around the perimeter and a small area of grassland and scrub within the centre. The ecology

surveys accompanying the planning application, which were undertaken almost two years ago, indicated that these habitats were used by breeding birds and foraging bats. Although the site has altered since the surveys were undertaken sufficient habitat remains to have retained this biodiversity interest.

- 5.30 The proposed layout retains much of the boundary habitat and avoids major physical fragmentation which is likely to help maintain its biodiversity value. There is, however, a risk that inappropriate exterior lighting could disrupt bat foraging routes. Therefore, to avoid any loss of foraging value lighting within the new development should be designed to minimise light spill and avoid direct illumination of tree and shrub canopies.
- 5.31 Some tree and scrub removal will be required however, the proposed replacement planting will provide suitable mitigation. Vegetation removal has the potential to adversely impact nesting birds which receive protection under the Wildlife and Countryside Act 1981 (as amended). Vegetation clearance should therefore be undertaken either outside the nesting season, which runs from March to August inclusive, or after it has been checked by a suitably qualified ecologist. If active nests are found vegetation clearance must be delayed until after the chicks have fledged. The ecology survey detailed a number of mitigation and enhancement measures which I would like to see incorporated into the proposed development.
- 5.32 The ecology surveys were undertaken almost two years ago and since then the site has changed substantially. Any subsequent detailed or reserved matters application should therefore be supported by an updated survey which details the ecological status of the site at that time.
- 5.33 **SCC Tree Team** – No objection
The scheme appears to retain the majority and the better trees on site. Further details including a tree schedule, a tree protection plan and a landscaping scheme (including street lighting) and ongoing maintenance are required and can be secured with the attached planning conditions.
- 5.34 **SCC Heritage** – No objection
The site lies within an area of archaeological potential. Excavations and observations in the vicinity have demonstrated that prehistoric archaeological deposits survive in the surrounding area. It is therefore recommended that, should planning permission be granted, a targeted programme of archaeological evaluation is commissioned, followed by further archaeological works as required, and that conditions are attached to any planning permission.
- 5.35 **SCC Contaminated Land** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the following existing and historical land uses;
- Former Landfill (50m to SW).
These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination

risks and, where appropriate, remediated to ensure the long term safety of the site.

5.36 **Environment Agency** – No objection

5.37 **Southern Water** – There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. No objection is, however, raised subject to additional infrastructure being secured through s.98 of the Water Industry Act (1991). Planning conditions are recommended.

5.38 **Hampshire Constabulary** – No objection

The Police have no objection in principle to this application, the devil will be in the detail and they reserve the right to comment in more detail at full application stage. Meanwhile, they suggest that the indicative layout is generally acceptable. The orientation of plots 1-4 which will result in the rear gates becoming the front entrance to the properties by residents using a vehicle. Hampshire Constabulary recommend that these plots be turned 180 degrees. The development will undoubtedly increase use of the 2 underpasses under Lordshill Way and therefore they feel the planning authority is entitled to seek a S106 agreement to improve the relatively poor quality lighting within the underpasses.

5.39 **Response**

The Highways Officer has requested improved lighting to the subway as part of the S.106 package. The suggested change to the layout is noted but was rejected at the pre-application stage as it is felt that giving Fairisle Road a street frontage works better in urban design terms without compromising the development.

5.40 **Natural England** – Objection removed following further detail and a signage strategy (as detailed in the Habitat Regulations Assessment) being secured through the future S.106 process. They comment as follows:

5.41 The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Solent and Southampton Water Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC) which are European sites. The sites are also listed as Solent and Southampton Water Ramsar site¹ and also notified at a national level as Lower Test Valley Site of Special Scientific Interest (SSSI). This application is within 5.6km of Solent and Southampton Water SPA and will lead to a net increase in residential accommodation. Natural England is aware that Southampton City Council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). Provided that the applicant is complying with the SPD or policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

5.42 The application site is also in close proximity to the New Forest SPA, SAC, Ramsar and SSSI sites. In considering the European site interest, Natural

England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts. On the basis of information provided, Natural England concurs with this view.

- 5.43 Finally, this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
- We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

6.0 Planning Consideration Key Issues

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

1. The Principle of Development
2. The Layout & Density
3. Impact upon Residential Amenity
4. Parking, Rights of Way & Highway Safety
5. Off-site Mitigation & S.106 Legal Agreement

6.2 Principle of Development

The release of this former school site for an alternative use has been agreed with the Secretary of State. The Council intends to market the site with an outline planning permission for a residential use and use the capital receipt to retro fund the recent works to refurbish the Oaklands swimming pool. The site is identified as an appropriate housing site in the Council's Strategic Housing Land Availability Assessment (SHLAA) for some 120 dwellings, and both local and national planning policies are committed to delivering additional housing on previously developed land in sustainable locations. The Council has a recognised housing need of 16,300 homes until 2026 (LDF Policy CS4 refers). In particular, whilst the principle of development is clearly supported in these circumstances, an assessment of the scheme's impact on the character of the area, residential amenity, and its efficient use of land for housing delivery, are material to the Council's planning decision.

- 6.3 The scheme proposes a good mix of flats and houses as set out below:

	1 bed	2 bed	3 bed	4 bed	Total
Flats	17	24	-	-	41 (39.8%)
Houses	-	18	30	14	62 (60.2%)
Total	17	42	30	14	103

6.4 A minimum of 35% of the homes will be secured as affordable. The application proposes that 44 of the dwellings will be genuine family homes, with at least 3 bedrooms and access to private amenity space. The proposals exceed existing development requirements for the delivery of family housing and are welcomed in principle.

6.5 The Layout and Density

This site is characterised by its existing tree belts to the southern and northern boundaries (which are to be retained). These screen the development to a large extent from the wider context. The chosen layout keeps development away from the neighbouring boundaries whilst providing a central loop road offering full vehicular, pedestrian and cycle access. The site retains a degree of permeability, particularly from the north, and the eastern link to the community centre and district centre subways are given improved surveillance. A perimeter block approach to the layout assists with this. The central part of the site is retained and given over for formal and informal public playspace with a landscaped setting.

6.6 LDF Policy CS5 encourages higher residential densities in areas with good local access. The form of development includes terraced housing linked to flatted blocks of between 2 and 3 storeys. This is consistent with other housing in the area. It creates a successful perimeter block development at an appropriate (and relatively low 33dph) density that clearly delineates private and public areas, whilst respecting the importance of the existing trees and the need to provide greater surveillance to the site's public footways along the boundaries. The alternative approach is to fence off the development from its wider context and create an insular looking layout. This approach was originally proposed at the pre-application stage but faced stiff criticism on planning, highway, security and design grounds.

6.7 Parking is well scattered across the development so as to reduce the dominance of the private car to the overall layout. It is considered that the proposed footprint and quantum of development is acceptable and would make an efficient use of land whilst providing a good mix, and additional family dwellings, within a mature landscape setting.

6.8 The design of the housing is reserved for a separate application but is likely to be simple and contemporary, which is appropriate given the surrounding context. A traditional palette of materials is recommended, including a mixture of facing bricks, and tiled roof. Further details can be secured with the attached planning condition. The buildings have safe and convenient access to integral bin and cycle storage, which can be secured with a planning condition.

6.9 As the design is reserved the internal layouts are not currently known. That said, the enables all houses to have dual aspect with access to private gardens of between 9 and 15m depth, and 54sq.m and 110sq.m in floorarea. The flatted blocks have private communal grounds totalling some 2,290sq.m (55sq.m per flat). These private external spaces exceed the standards set out in the Residential Design Guide, namely paragraph 2.3.14 and section 4.4. They are considered to be fit for purpose and are acceptable.

- 6.10 The current scheme, therefore, assists the Council in meeting its housing requirements without harming the character of the area. It is considered that the application accords in broad terms with Local Plan design policies SDP1, SDP7 and H7 as supported by Core Strategy Policy CS13. The Council's City Design team have worked with the applicant at the pre-application stage to reduce the scheme's impact and are supportive of the current application layout.
- 6.11 Impact on Residential Amenity
The proposed dwellings have been designed to sit within their plot and are set away from the common boundary with immediate neighbours. Where development is closest to the neighbours there exists mature planting that will be retained to mitigate any impact. The layout is fixed at this stage and proposes a residential terrace of 2 storey houses along the site's western boundary with a separation distance between buildings of some 16-17 metres. A run of 3 storey flatted blocks is set off the northern boundary. The separation distances involved between buildings in this location are between 25 and 35 metres. As a result of these proposed spatial characteristics the existing residential amenity of the area, in terms of daylight, shadowing, privacy and outlook will not be compromised by this proposal. In amenity terms the proposed separation between dwellings, the retention of the mature landscape setting, the orientation of the buildings within their plot and the generous area of retained public open space combine to create an acceptable addition to the area. The application accords with the adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v), as supported by the relevant sections of the Council's approved Residential Design Guide SPD, which seek to protect residential amenity.
- 6.12 Parking, Rights of Way and Highway Safety
Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling.
- 6.13 Applying the Council's revised adopted maximum standards (of 1 spaces per 1 bed, 2 spaces per 2 and 3 beds and 3 spaces per 4+ bed unit) as set in the adopted Car Parking SPD (September 2011) the proposed development should be supported by no more than 203 parking spaces. Applying the reduction for sites within defined areas of 'high accessibility (with more than 20 buses per hour as is the case here) and the maximum standard applicable is only 130 parking spaces. A total of 177 on-site parking spaces are currently provided, including 12 visitor spaces, and an allocation of 2 spaces per house and 1 space per flat (as proposed) can be controlled with a planning condition. This level of on-site parking exceeds the standards, but is considered to be appropriate in this instance given the local circumstances involved and the concerns of existing residents of a harmful parking overspill arising. Whilst the current level is considered acceptable achieving even more parking would further exceed the standards and may result in a car dominated layout with a significant reduction in open space.
- 6.14 There is some concern locally that the existing rights of way around the site will be affected by the proposed layout. The closure and diversion of one route is proposed. The existing north-south link along the site's western boundary is to be stopped up and diverted through the scheme, thereby retaining full access. Existing access to the rear of the affected Orkney Road properties will be retained. A planning condition is recommended to secure the exact details and

the applicant will need to formally apply for the stopping up of the right of way in the event that planning permission is granted.

6.15 The Council's Highways Officer has raised no objection to the proposal, subject to the attached planning conditions; including means for controlling construction delivery times and routing so as not to conflict with local schools. The application is considered to accord with Local Plan policies SDP4, SDP5 and Core Strategy policies CS18 and CS19 in respect of local highway safety.

6.16 Off-site Mitigation & S.106 Legal Agreement

The Council (as landowner and applicant) cannot enter into a S.106 with the Council (as Local Planning Authority). As such, in the event that this planning application is deemed by the Panel to be acceptable a conditional outline planning permission will be issued to enable the site to be marketed. A condition requiring the S.106 agreement to be completed ahead of the commencement of works is recommended. Furthermore, the Council will include a clause to bind any future developer to enter into the S.106 legal agreement at the land transfer stage. So whilst the process is slightly different the result will be the same and a package of off-site mitigation measures and affordable housing can be secured.

6.17 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites:

6.18 i) Solent & Southampton Water SPA

The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 (per unit) has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity.

6.19 i) New Forest SPA

The New Forest is designated as a SPA and Natural England have raised concerns that new residents will put pressure on the Forest for recreational activity. To mitigate this the application promotes improved signage of local open space thereby offering residents a wider choice and understanding of their local offer.

6.20 Members' attention is drawn to **Appendices 1-4** of this report and the Habitats Regulation Assessment provided, which is necessary as part of this determination process before the Council as the 'competent authority' under the Conservation of Habitats and Species Regulations 2010 (as amended) can give approval to the project. The Habitats Regulation Assessment concludes that there will be no adverse effects on the European sites (Solent Waters and New Forest). Members are recommended to endorse this conclusion to allow the planning application to be decided. Providing the legal agreement is secured (as discussed above) this

application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended). Natural England agree with this conclusion and have removed their holding objection.

7.0 Summary

7.1 The Council has the approval of the Secretary of State to release this redundant school site for an alternative use. Pupils from the former school now have the option of attending the Lordshill Academy on Romsey Road, and the site buildings have largely been demolished with the exception of the retained pool and community centre. The provision of 103 dwellings at a density of 33 dwellings per hectare makes an appropriate use of this previously developed land whilst respecting the specific constraints to redevelopment, including the significant tree cover. Particular account has also been taken of the third party response to the scheme, including the existing parking problems experienced around the neighbouring Fairisle schools at the start and end of the school day, the quality of the proposed redevelopment proposals, the associated regeneration benefits and improvements to local housing (including a high percentage of affordable and family housing), current market conditions and the overall viability of the scheme. An acceptable residential layout is proposed.

8.0 Conclusion

8.1 This outline planning application is recommended for conditional approval with the S.106 legal agreement to be resolved at the land transfer stage, and ahead of the commencement of development, for the reasons given above.

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

1a-d, 2b, d & f, 4f & vv, 6a, 7a&b, 8j, 9a & b

SH2 for 27.10.2015 PROW Panel

PLANNING CONDITIONS to include:

1.APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the 'Layout' of buildings and other external ancillary areas, the means of 'Access' (vehicular and pedestrian) into the site and the buildings, the 'Scale', massing and bulk of the development, and the 'Landscaping' (both hard, soft and including enclosure details) of the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site
 - the appearance and architectural design specifying the external materials to be used (see associated external materials condition below)
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

Reason:

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

2.APPROVAL CONDITION - Section 106 agreement (Pre-Commencement Condition)

No development shall commence on site until a Section 106 legal agreement has been entered into with the Council covering the following heads of terms:

- i. Either works agreed under S.278 or financial contributions towards site specific transport contributions for highway improvements and external lighting (if needed) in the vicinity of the site, including any associated Traffic Regulation Orders, in line with Policy SDP4 of the City of Southampton Local Plan Review (amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- ii. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) or details of an independently assessed viability of the project with appropriate triggers for reappraisal;
- iii. The provision and ongoing management/maintenance of on-site playspace in accordance with the approved drawings, as required by policies CLT5 and CLT6 of the City of Southampton Local Plan Review (amended 2015), and the provision for ongoing management of external amenity spaces and landscaped buffers forming the site.
- iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives during the construction phase, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (amended 2015);
- vi. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010;
- vii. 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,
- viii. Financial contributions towards an on and off-site open space signage strategy for encouraging residents of the development to visit local areas of open space for dog walking and recreation – Habitats Regulations mitigation.

Reason:

Planning permission can be issued following the resolution of the Planning and Rights of Way Panel as the site is currently within Council ownership and the S.106 legal agreement is to be tied to the sale of the land contract as deemed appropriate in the National Planning Policy Guidance. Furthermore, as the development will create localised impacts a S.106 legal agreement is required in the interests of the proper planning of the area and to mitigate the impact of the development in accordance with Policy CS25 of the amended City of Southampton Core Strategy (amended 2015).

3.APPROVAL CONDITION - Approved Plans

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

Reason:

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

4. APPROVAL CONDITION - Details of External Materials - Samples

Notwithstanding the submission to date no work for the construction of the buildings hereby permitted (excluding the demolition and site preparation phase) shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, window and balcony reveals, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a development of high visual quality.

5. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan

Notwithstanding the submitted details before the commencement of any site works (excluding the demolition and site preparation phase) a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to the first occupation of the development 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.

6. APPROVAL CONDITION - Arboricultural Method Statement

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason:

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

7. APPROVAL CONDITION - Replacement trees [Pre-commencement Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority prior to the commencement of development at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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

8. APPROVAL CONDITION - Tree Retention and Safeguarding

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. 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.

9. APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

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

Reason:

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

10. APPROVAL CONDITION – Construction Method Statement (CMS)

Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority making provision for a "Construction Method Statement" (CMS) for the development. The CMS shall include details of:

- a) Parking of vehicles of site personnel, operatives and visitors;
- b) Any site compound details and contractor's cabins/office;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials, including cement mixing and washings, used in constructing the development;
- e) Treatment of all relevant pedestrian routes and highways within the site throughout the course of construction and their reinstatement where necessary;
- f) A scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- g) A scheme for recycling waste resulting from the construction programme;
- h) details of lorry routing
- i) Measures to be used for the suppression of dust and dirt throughout the course of construction;
- j) Measures for the cleaning of wheels and the under chassis of lorries leaving the site;
- k) Details of how noise and vibration emanating from the site during construction will be mitigated;
- l) A "hotline" telephone number and email address shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period;
- m) Confirmation that the hours of construction listed in the condition below will be adhered to; and,
- n) The methods of supervision to ensure that workers have knowledge of the method statement;

The approved CMS shall also include proposals to monitor these measures (as set out above) at the site boundary to ensure that a statutory nuisance does not arise beyond the

site boundary, and shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

In the interest of safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

11. APPROVAL CONDITION - Hours of Construction & Associated Deliveries

In connection with the implementation of this permission any demolition, conversion and construction works (including all associated deliveries), shall not take place outside the hours of:

- 8am and 6pm Mondays to Fridays; and,
- 9am and 1pm on Saturdays.

Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

No deliveries of construction materials or equipment, or removal of demolition materials associated with this development shall take place between the following times:

- 8am to 9:30am and 2:30pm to 3:30pm Mondays to Fridays

Reason:

To protect local residents from unreasonable disturbances from works connected with implementing this permission, and to ensure that construction traffic does not conflict unduly with the local school's peak hour traffic.

12. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

The external amenity space serving each dwelling hereby approved, and pedestrian access to it, shall be made available for use by the associated dwelling prior to the first occupation of that dwelling hereby permitted, and shall be retained with access to it at all times for the use of the dwellings.

Reason:

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

13. APPROVAL CONDITION - Ecological Mitigation Statement

Prior to development commencing, including site clearance and site setup works, the developer shall submit a programme of habitat and species mitigation and enhancement measures [as set out in the submitted Capita Preliminary Ecological Assessment (dated 1st March 2013)] for approval in writing by the Local Planning Authority, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the agreed programme.

Reason:

To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

14. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason:

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

15.APPROVAL CONDITION- Green roof feasibility study (Pre-Commencement)

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development (excluding the demolition and site preparation phase) hereby granted consent. If the study demonstrates the site is viable and has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water runoff in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

16.APPROVAL CONDITION – Drainage & Sewerage Infrastructure

No development shall commence (excluding the demolition and site preparation phase) until details of the proposed means of foul sewerage and surface water drainage have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be constructed in accordance with the agreed details prior to the first occupation of the development.

Reason:

As further capacity is required to accommodate the proposed intensification of development.

17.APPROVAL CONDITION - Sewers

No development shall commence (excluding the demolition and site preparation phase) until details of how the existing sewer and water infrastructure across the site shall be protected during the construction phase have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be constructed in accordance with the agreed details prior to the first occupation of the development.

Reason:

As further capacity is required to accommodate the proposed intensification of development.

18.APPROVAL CONDITION - Sustainable Drainage System (Surface Water)

Prior to development commencing (excluding the demolition and site preparation phase) details of the construction of the surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Planning Authority. The surface water drainage shall thereafter be undertaken only in accordance with the approved details. The submission shall include a feasibility study

by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable drainage system on site. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority and fully operational prior to the first occupation of the development. It shall thereafter be retained and maintained for the benefit of the site and its users.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, to ensure future maintenance of the surface water drainage system and to comply with policy SDP13 (vii) of the City of Southampton Local (2006) and the LDF Core Strategy Policy CS20.

19.APPROVAL CONDITION - Energy & Water [Pre-Commencement Condition]

Before the development commences (excluding the demolition and site preparation phase), written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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).

20.APPROVAL CONDITION - Energy & Water [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason:

To ensure the development has minimised 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).

21.APPROVAL CONDITION - Archaeological evaluation

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.

22.APPROVAL CONDITION - Archaeological evaluation 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.

23.APPROVAL CONDITION - Archaeological investigation (further works)

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

Reason:

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

24.APPROVAL CONDITION - Archaeological work programme (further works)

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.

25.APPROVAL CONDITION - Archaeological damage-assessment

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local Planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason:

To inform and update the assessment of the threat to the archaeological deposits.

26.APPROVAL CONDITION - Land Contamination investigation and remediation

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

27.APPROVAL CONDITION - Use of uncontaminated soils and fill

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

28.APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

29.APPROVAL CONDITION - Road Construction [Pre-Commencement Condition]

No development hereby permitted shall be commenced (excluding the demolition and site preparation phase) until the Local Planning Authority have approved in writing:-

- A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.
- A programme for reinstating any redundant/existing dropped crossings and footway crossovers around the site perimeter. These affected kerbs are to be reinstated to a full kerb and footway construction under licence from the Council or our highway partners.

If a Section 38 agreement is not entered into for the formal adoption of the roads, details of how a Management Company will be set up and put in place for the future maintenance of the development will be required and this will need to be supported by a suitable bond.

The development shall be completed as agreed.

Reason:

To ensure that the roads, cycleways and footpaths are constructed in accordance with standards required by the Highway Authority.

30. APPROVAL CONDITION – Residential Parking

All parking spaces shall be provided with a minimum 5m x 2.4m dimension, and with a minimum 6m isle width to allow adequate space to turn into and out of the spaces if positioned at 90 degrees to the highway. Parking spaces parallel with the kerb shall be a minimum 6m long and 2m wide, with a paved refuge to stand out onto beside the vehicle. The residential parking shall be provided prior to the first occupation of each dwelling at a ratio of 1 parking space per flat and 2 parking spaces per house. No more than 2 parking spaces shall be allocated to each dwelling unless otherwise agreed in writing with the Local Planning Authority. Any garaged spaces shall be retained for parking and not converted for habitable residential accommodation. A minimum of 12 visitor parking spaces shall be marked out in accordance with details to have been agreed in writing by the Local Planning Authority prior to their first use and shall thereafter be retained for public/general use.

Reason:

To ensure that the scheme provides a suitable level of parking to serve its needs in the interests of highway safety.

31. APPROVAL CONDITION - Refuse & Recycling Bin Storage – In accordance

Appropriate bin storage shall be laid out with a level approach prior to the first occupation of each dwelling hereby approved in accordance with details that shall have been submitted and agreed at the Reserved Matters stage. The facilities shall include accommodation for the separation of waste to enable recycling (including glass) and green waste. A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with any Eurobins. Refuse bins shall not be left in collection points or otherwise external to the approved refuse stores other than on the day of the designated collection. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

Reason:

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

Informative:

All refuse stores identified on the approved plans listed should be constructed of brick under a suitable weatherproof roof with adequate ventilation. The doors should be hinged to open outwards with a minimum opening of 1.4m wide, and any lock system should comply with the Council's standard lock requirements operated by a fob system. Six spare fobs should be supplied to the Council prior to the first use of the relevant store. Each store should be fitted and retained with internal lighting that shall operate when doors are open and a tap and wash down gully should also be provided. The access path to the bin store should be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable unless they comply with SCC standard fob lock details. The gradient of the access path to the bin store should not exceed 1:12 unless suitable anti-slip surfacing is used, and still should not exceed 1:10 and a single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the

Euro bins. Refuse containers should be purchased by the applicant from the Council ahead of occupation.

32.APPROVAL CONDITION - Cycle Storage

Appropriate, secure, covered cycle storage shall be laid out with a level approach prior to the first occupation of each dwelling hereby approved in accordance with details that shall have been submitted and agreed at the Reserved Matters stage. The facilities shall include Sheffield style stands and shall be retained whilst the development is used for residential purposes.

Reason:

To encourage cycling as an alternative form of transport

33.APPROVAL CONDITION – Right of Way (Cromatory Road to Fairisle Road)

Details of how the existing right of way linking Cromatory Road to Fairisle Road (along the site's western boundary) can be retained/diverted both during and after the demolition and construction phase shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any development, including any site clearance and demolition works taking place in association with this permission. These details shall include plans of how the land is to be allocated to gardens, any means of enclosure and details of the retained access requirements for the affected residents living in Orkney Close as annotated on plan ref: CS/067837-02. The right of way shall be made available/diverted, with safe footpaths for pedestrians, prior to the first occupation of the development or in accordance with another timescale and phasing strategy that shall have been agreed in writing with the Local Planning Authority prior to the first occupation of the development.

Reason:

As the development potentially involves a temporary stopping up during the construction phase, and to ensure that the existing right of way is retained for safe access to local schools and is correctly reinstated or diverted following the development.

34.APPROVAL CONDITION - Residential - Permitted Development Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class F (hard surface area)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the relatively small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

35.APPROVAL CONDITION – Site Levels

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include AOD for the proposed finished ground levels across the site, building finished floor levels and building finished eave and ridge height levels and

shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

Reason:

As the site has been largely cleared and re-profiled it is unclear exactly where the buildings will sit in relation to one another and the approved infrastructure.

Note(s) To Applicant

Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

Note to Applicant - Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

Note to Applicant - Southern Water - Informative

The applicant is advised to note the comments from Southern Water (dated 19th May 2015) in relation to this application. In particular they advise that a formal application for connection to the public water supply and a formal agreement to provide the necessary sewerage infrastructure are required in order to service this development. Please contact Southern Water, Sparrowgate House, Sparrowgate, Otterbourne, Hampshire SO21 2SW – Tel. 0330 303 0119.