

Planning and Rights of Way Panel 6th October 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: Tennis Courts Oasis Mayfield Portsmouth Road Southampton			
Proposed development: Erection of 2 x 3 bed semi-detached houses and 1 x 3 bed detached bungalow with associated parking and cycle/refuse storage (Departure from Local Plan).			
Application number:	18/01227/FUL	Application type:	FULL
Case officer:	Anna Lee	Public speaking time:	5 minutes
Last date for determination:	14.10.2020 (Extension of Time Agreed)	Ward:	Woolston
Reason for Panel Referral:	More than three letters of objection have been received to this 'Departure'	Ward Councillors:	Cllr Blatchford Cllr Hammond Cllr Payne
Applicant: Mr J Kemmish		Agent: Concept Design & Planning	

Recommendation Summary	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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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. Other material considerations such as the departure from the Local plan due to the loss of open space, impact on the character of the area, impact on neighbouring residential properties and highway safety have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, CLT3, H1, H2, H6 and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS6, CS13, CS16, CS18, CS19, CS20, CS21 and CS22 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached

1	Habitats Regulation Assessment	2	Development Plan Policies
3	Planning History	4	Highway Officer comments
5	Appeal decisions 12/01129/OUT & 15/00147/OUT – 114-116 Portsmouth Road		

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. Public open space obligation to secure the submission of a management plan and retention of the open space proposed in line with Policy CS21 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Background

This site has a long and complicated planning history following its sale by the Council. The site is considered as open space for the purposes of planning policy with a 'no net loss' adopted. Two previous applications sought to redevelop the land with 4 dwellings, and both schemes were dismissed at appeal following refusals by the Council due to the loss of open space and highway safety. Whilst the previous Inspectors supported the open space objection the highway concerns were not. This current application reduces the number of proposed dwellings to 3 and provides 500sq.m of public open space. The following report sets out why these changes have addressed the previous refusals.

1. The site and its context

- 1.1 The application site is a 'backland site' of some 0.25 hectares in area situated to the rear of bungalows on the south side of Portsmouth Road (A3205), near the junction with St Anne's Road. The site is vacant, very overgrown and was last used as four hard-surfaced tennis courts, as such, the site falls within the definition of 'open space' as set out within the adopted Development Plan. The land was once in Council ownership. Access to the site is from Portsmouth Road, at the side of 114 Portsmouth Road. There is a change of levels affecting the site, with the land rising from the access point with

Portsmouth Road and sloping up significantly to the west, supported by retaining walls on the western site boundary.

- 1.2 There are a group of trees along the western boundary of the site which are covered by a Tree Preservation Order (Group 1 of Land to Rear of 114-116 Portsmouth Road) TPO 2012. Beyond this is a 3 and 4-storey residential care home accessed from St Anne's Road with a private club to the rear. Adjoining the site to the east are two-storey properties in Temple Gardens. To the south is a bowling green and clubhouse accessed from Temple Road.

2. Proposal

- 2.1 Full planning permission is sought to redevelop the site to provide three dwellings, each with three bedrooms, to be accessed from the existing site access. The dwellings comprises a detached bungalow and a pair of two-storey, semi-detached dwellings.
- 2.2 The houses are located to the rear of the site to enable the front part of the site to be provided as publicly accessible open space. The application results in the loss of 1822 sq.m of open space and re-provides an area of approximately 500 sq.m. The open space element would be privately owned and maintained with the section 106 agreement securing this in perpetuity. The application does not provide details of how the space will be used and so the detailed design of the open space will be secured by a planning condition.
- 2.3 The dwellings have a fairly traditional design appearance and the materials chosen for construction are brick with lintel and porch detailing. The bungalow is proposed adjacent with the boundary with Temple Gardens and provides three bedrooms one with en-suite, a lounge, kitchen and bathroom. The semi-detached houses provide a lounge, kitchen and WC on the ground floor and three bedrooms (one with an en-suite) and a bathroom at first floor. Refuse and cycle storage is provided in the rear/side garden areas. The proposed garden depth for all the plots are 10 metres. All the units have the main entrance within the front elevation and separate entrance to the rear is also provided.
- 2.4 The access way is proposed to be altered to provide a passing point adjacent to Portsmouth Road as well as to the other end of the access way. Two parking spaces per dwelling are provided as well as two visitor spaces and four spaces to serve the public open space.

3. 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) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 2**.
- 3.2 Policy CS21 of the Core Strategy requires the retention of the quantity and

the improvement of the quality of existing open spaces within the city. The policy confirms that this relates to open spaces both which are privately and publicly owned. Tennis courts fall within the definition of open space and, as such, the policy requires the retention of the area as open space and the improvement of the quality of the open space. The application would result in a loss of 1,322 sq.m of open space on the site and, as such, is a departure from policy CS21 of the Core Strategy.

- 3.3 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 3** of this report and relevant appeal decisions are contained within **Appendix 5**. These appeal decisions are for the same site and previously sought more development. They form a material consideration in this decision, and the applicants have reduced the quantum of development and sought to address the concerns arising from the loss of open space and highway safety.
- 4.2 The site was used for recreation purposes for many years in the form of tennis courts for the former Woolston Secondary School, which has now been redeveloped for residential purposes under planning permission 16/01605/FUL. Planning permission was granted in November 2004 for resurfacing of the tennis courts and replacement of the boundary fence (Council reference 04/01519/R3CFL) although this does not appear to have been implemented.
- 4.3 In January 2013, outline planning permission was refused for erection of 4 x part 2-storey, part single-storey detached houses (application reference 12/01129/OUT). This scheme was refused planning permission for loss of open space and highway safety (full reasons are found in **Appendix 3**). This scheme was appealed (reference APP/D1780/A/13/2199299) and was dismissed in January 2014. A copy of the appeal decision can be found in **Appendix 5** of this report.
- 4.4 A further outline planning application (reference 15/00147/OUT) for the erection of 4 detached houses was subsequently appealed on the grounds of non-determination. The appeal was dismissed in March 2016 and a copy of the appeal decision can also be found in **Appendix 5** of this report.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying

adjoining and nearby landowners, placing a press advertisement 21.08.2018 and erecting a site notice 07.12.2018. The application was also advertised as a departure to the Local Plan on 07.12.2018. Following receipt of amended plans, neighbours were re-notified of the application in July of this year. At the time of writing the report **7 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 Concerned about the proximity of the site to the traffic lights in terms of highway safety, and the width of the access and lack of parking.

Response

The submitted plans include the widening of the access and provide passing areas at both ends and on-site turning space is provided for vehicles. As such, the Council's Highway Officer raises no objection to the proposal in safety terms. Two parking spaces are proposed (as well as two visitor spaces) per dwelling, which is the maximum permitted by the Council's adopted car parking standards. This is discussed in more detail in section 6 below.

5.3 The proposal results in a loss of trees/vegetation and no boundary treatment details are provided.

Response

It is noted that a number of trees and vegetation will be removed to provide this proposal but much of the vegetation has grown over time due to the lack of maintenance and, therefore, has low amenity value and could be removed without consent. The protected trees on site would be retained. The Council's Tree team have not objected and have requested the replacement of two for one for any trees lost (please refer to Tree comments in paragraph 5.13 below). Boundary treatment will be secured by condition.

5.4 Loss of open space

Response

The application does result in a net loss of open space and so is a departure from Core Strategy Policy CS21. This policy was afforded substantial weight by previous appeal Inspectors. This issue is discussed in section 6 below in detail. In summary, having regard to the long-term redundant nature of the existing tennis courts and their current unusable condition, it is considered that the application strikes an acceptable balance in providing some useable space that will be managed and maintained for public use in perpetuity.

5.5 Overlooking, over bearing and shadowing

Response

The development achieves 24 metres separation between the side elevation of the proposed bungalow and the rear elevations of Nos. 21 and 23 Temple Road. This exceeds the separation guideline of 12.5 metres set out in the Council's adopted Residential Design Guide Supplementary Planning Document (RDG). A separation distance of 14 metres is provided between the neighbouring flats at The Hawthorns and the side elevation of the proposed houses which exceeds the RDG standards. The distance between the properties on Portsmouth Road and the proposed dwellings is at least 54 metres (with 21 metres suggested by the RDG for this type of relationship).

The separation standards set out in the RDG are designed to protect outlook, privacy, daylight and prevent overshadowing to neighbouring properties. As the development meets and exceeds these standards, the proposal is considered acceptable in this respect. The scale and density of the development relates to surrounding development and, combined with the separation distances achieved, ensures that the development would not be unduly over-bearing.

5.6 No details have been provided to ensure the access can be provided without harming the existing retaining wall at 114 Portsmouth Road
Response

It is proposed that the access will be constructed using reinforced concrete as a sequential underpinning exercise. This method of construction will ensure stability to the existing retaining walls on both sides of the new road at all time during construction. Full details of the construction will be secured by condition. Furthermore, it is important to note that a Highway License will be required for the works adjacent to the public highway.

Consultation Responses

5.7 SCC Highways – No objection raised (Full comments can be found in Appendix 4 of this report)

The application can be supported by the Highways team subject to the following being secured via conditions or amended plan being received to address the comments below.

- Access. Plans to be submitted and agreed in writing to include the following:
 - Main access to be widened and constructed to the dimensions shown within the site plan.
 - Construction would need to ensure that the retaining wall's integrity will not be affected.
 - The access way will need to be designed to improve the pedestrian environment.
 - The gradient of the access way should be suitable for wheelchair users.
 - Drainage to be provided to avoid surface water runoff onto the highway.
 - Secure pedestrians sightlines.
- Parking Management Plan.
- Visitor cycle parking for Open Space users
- Refuse management plan.
- Construction management plan

5.8 SCC Planning Policy Team – No objection.

To clarify, the site is not allocated as existing or proposed open space under Southampton City Council's (SCC) Local Plan (amended 2015) or Green Space Strategy (2008). Though the site historically served as public tennis courts, it is acknowledged that this function ceased some time ago and, as a result, the site has become overgrown and unusable. Consequently, the quality of the open space in its current condition is considered to be poor and

of little value to the local community. However, the site is located close to Mayfield Park and Miller's Pond Nature Reserve, both of which provide a wealth of public open space for local communities.

Whilst the site is considered a public open space which, according to Policy CS21, should be protected, the marketing report submitted as part of the current application proves that the site has been actively marketed from November 2016 with a good amount of interest received, but little for keeping the site in its existing use. As such, it is thought to be appropriate for a change of use of the site to be considered. It is firstly acknowledged that proposal submitted is for the erection of three new dwellings with the retention of a 550sqm open space area to the front of the site (closest to Portsmouth Road). This proposal will provide new housing for city residents and is therefore judged to be in line with Local Plan policy H1 and Core Strategy policy CS4.

In terms of the loss of open space however, NPPF paragraph 97(b) states that public open space sites can be built on where *"the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location"*. Core Strategy paragraph 5.4.11 also states that *"The LDF will seek to protect and improve the quality of open spaces and ensure adequate provision in a way which delivers the best outcome for the community..."*.

Given the current state of the site; that there is little or no demand for the site in its current use; that the site is in close proximity to two other large open space areas; that additional housing will be provided city residents; and that the proposal will ensure a better quality, usable area of public open space which is of higher value to the community, the change of use of the site (in this case) is thought to be justified. By offering a better-quality open space, despite there being a physical reduction, the proposal meets the NPPF's stipulation for building on open space sites, and by delivering a higher quality open space for the local community the proposal is thought to protect and enhance an existing open space in line with Core Strategy policy CS4. In light of the above, it is considered that the proposal for 'Erection of 2 x 3 bed semi-detached houses and 1 x 3 bed detached bungalow with associated parking and cycle/refuse storage' will have a positive impact upon both housing and open space provision for the population of Southampton. The proposal is therefore supported, in principle, by the Planning Policy Team.

- 5.9 **SCC Open Spaces Team – No objection**, although the proposal at the Tennis courts on Portsmouth Road is a departure from policy, the Council are unlikely to get a better area of open space than the scheme proposed, which shows a good proportion of the site being given to useable public green open space. The open spaces team therefore support the planning application.
- 5.10 **SCC Sustainability Team – No objection raised**
Conditions are recommended in order to ensure compliance with Policy CS20 which relate to energy and water restrictions.
- 5.11 **SCC Community Infrastructure Levy (CIL) – No objection raised**

The development is CIL liable.

- 5.12 **SCC Environmental Health (Pollution & Safety) - No objection** subject to a construction environment management conditions to prevent any harmful disturbance to the neighbours during construction.

5.13 **SCC Tree Team – No objection raised**

The trees on the western boundary are protected by The Southampton (Land to rear of 114/116 Portsmouth Road) Tree Preservation Order 2012. The submitted site layout plan shows that the properties and hard surfaces all sit outside of the root protection of the retained trees, therefore this design will not have a negative impact to the trees shown to be retained.

The design shows that some trees are required to be removed and the Tree Officer is not opposed to the loss of these trees subject to replacement tree planting on a 2 for 1 basis. The tree replacements will be secured by the recommended landscape condition. Some further information is required in term of the number of trees within the groups to be removed to determine the precise number of replacements required.

An arboricultural method statement will also need to be secured by condition to ensure a tree in the neighbouring site (believed to be part of the St Anne's Road (The Southampton (Portsmouth Road) TPO 1975) will be protected during the development. An update to the Tree Report will be required prior to development commencing to inform the tree protection measures during the construction process.

5.14 **Southern Water – No objection.**

Suggests a condition to secure measures to protect the public sewer during development and to secure details of the means of foul and surface water disposal.

5.15 **City of Southampton Society – Objection**

ROAD SAFETY

Entrance/exit to lane is too close to traffic light cross roads

Dangerous right turn into/out of lane from main road

Dangerous to reverse out of lane onto main road

Lane too narrow to allow safe passing bays for large vehicles

Existing height of lane too high above ground level of new properties to allow safe descent/ascent

TOO NEAR/AFFECTING BOUNDARY

Height of lane above neighbouring property unsafe - especially for large construction vehicles

OVERLOOKING

Height of lane above neighbouring property allows sight into property windows and into rear garden

SHORTAGE/LOSS OF CAR PARKING

With only 8 public parking spaces, overflow parking will be on the busy main road - which is unsafe.

6. Planning Consideration Key Issues

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

- The principle of development;
- Design and character;
- Effect on residential amenity;
- Parking highways and transport and;
- Mitigation of direct local impacts.

6.2 Principle of Development

6.2.1 Since the site was last used as tennis courts, the land falls within the definition of open space provided by the Core Strategy. Policy CS21 of the Core Strategy requires the retention of the quantity and the improvement of the quality of all open spaces within the city. This is irrespective of whether the land in question is within public or private ownership. As such, since the application proposes a net loss of open space it is a departure from Policy CS21.

6.2.2 The site, however, has been vacant for at least 16 years and is now in a dilapidated condition, unable to be used for its intended purpose as tennis courts. As noted by the Planning Policy Officer above, the site has been actively marketed for open space but with no success securing an operator. Whereas earlier planning application proposals for this site included no genuine useable open space, this proposal provides an appreciable area of 500sq.m. This is a significant change in circumstance that addresses the previous Inspector's concerns. Furthermore, the recommended section 106 agreement will secure the public use of this land in perpetuity, with a condition to secure a positive and useable landscape design for the area and ongoing management. As such, whilst the scheme results in a net loss of open space, by permitting development on part of the site, publicly accessible and useable space would be delivered, and the site would be brought back into active use. It is considered that this key benefit of the proposal justifies the departure from Policy CS21 in this instance. As set out above, the Council's Planning Policy and Open Spaces teams are supportive of this approach.

6.2.3 Furthermore, the provision of housing would assist in addressing the city's housing need in accordance with Policy CS4 of the Core Strategy which confirms the need for an additional 16,300 homes within the city between 2006 and 2026. The delivery of 3 new genuine family housing is also welcome. The proposed density (of 12 dwelling per hectare - dph) is lower than the range of 50-100 dph for the site which Policy CS5 of the Core Strategy indicates is appropriate for this area. However, the policy confirms that density should be considered in the round along with other issues including the need to preserve open space. As such, given the benefit of securing publicly accessible open space, the density is considered to be appropriate for this location.

6.3 Design and Character

6.3.1 The proposed dwellings have a relatively traditional design appearance, with brick elevations, hipped roofs and porches that will complement the prevailing character of the area. The proposed layout will sit comfortably within its immediate context by providing semi-detached dwellings, similar to the adjacent neighbouring development. Each dwelling would be served by private gardens with two of the dwellings having in excess of the 70sq.m garden area, recommended by the RDG for dwellings of this nature. Parking and hard-surfacing is integrated to ensure the site has a more verdant character.

6.3.2 The proposal will not result in the loss of protected trees and, as noted, a landscaping scheme will secured 2 tree replacements for each low-value tree agreed to be felled on site. Whilst the proposal is back-land development, its low-density nature and the resultant verdant and well-spaced character, would ensure that it would successfully integrate into the area.

6.4 Effect on residential amenity

6.4.1 In terms of the quality of the accommodation proposed, overall the development provides good outlook and access to daylight and sunlight for proposed residents together with good access to external amenity space and sufficiently spacious dwellings. As such, a pleasant residential environment should be achieved.

6.4.2 As set out above, the separation distances between the proposed dwellings and existing neighbours meet and, in some cases, exceed the standards set out in the RDG. The scale of the development reduces to a single-storey dwelling adjacent to the boundary with Temple Gardens to ensure a harmonious relationship. There will potentially be indirect views into the rear gardens of the neighbouring properties but this relationship is usual in suburban areas and does not result in a harmful loss of privacy for existing residents. The development is, therefore, considered to be acceptable in this respect.

6.4.3 Overall, it is considered that the development is designed to provide a high-quality environment for future residents whilst ensuring a harmonious relationship with adjacent residential properties. Therefore, the proposal accords with Local Plan Review saved Policy SDP1 in this respect.

6.5 Parking, Access and Highway Safety

6.5.1 As set out above, as part of the proposal the existing access serving the site will be widened where it adjoins Portsmouth Road, to enable two cars to pass one another and to secure a paved pedestrian route into the site. Further widening will take place along the access to provide an additional passing point towards the end point. The existing public footway on Portsmouth Road is of a good width to provide sufficient vehicular visibility from the access. As such, the Council's Highway Officer raises no objection to the application. It is important to note that application 12/01129/OUT was refused planning

permission partly on highway safety grounds however, this was not supported at appeal. The 2012 application was similar to the current proposal in terms of access arrangements. With regard to the access to the site, the Planning Inspector set out in the decision notice (see para. 11) that the access width was sufficient to allow two cars to pass. Paragraph 12 leads on to say *'Whilst the A road is busy and the nearby junction is traffic controlled, on the evidence before me other than the loss of trees, there is nothing to suggest that any harm would result from a widened access. Satisfactory sightlines onto Portsmouth Road vehicles would be obtained and two vehicles could access and egress simultaneously at the entrance.'* In paragraph 15, the Inspector concludes the *'proposal would not result in undue harm to highway or pedestrian safety'*. As such, the scheme is again acceptable in highway terms and has the support of the Council's Highways Officer.

6.5.2 In terms of car parking provision, as set out above, the level of car parking proposed is the maximum number of spaces permitted by the Council's adopted Parking Standards Supplementary Planning Document. Furthermore, the application site is a 5-minute walk to bus stops either on Portsmouth Road or St Anne's Road. The 2011 Census suggested that for the Ward of Woolston, 29.5% of households do not have access to a private car, 45.2% had access to one car and 25.4% had access to two cars. As such, the provision of two spaces per unit should be sufficient to serve the development. There is no policy requirement to provide visitor car parking but two spaces are proposed as well as four spaces to serve the open space. This is considered reasonable for the size of the open space. Furthermore, a condition is suggested, in line with the Highway Officer's comments, to secure a robust parking management plan to ensure that the site is managed to prevent over-spill car parking on the site access.

6.5.3 The site cannot accommodate a standard refuse collection vehicle and the access is not suitable to incorporate a refuse collection area where containers could be collected by the Council's waste collection team. As such, the development would be served by a private waste collection and a management plan for this is to be secured by condition. The refuse management plan would restrict the size of vehicles serving the development. Finally, each dwelling has a secure store in the garden for 2 bikes in line with our standards.

6.6 Development Mitigation

6.6.1 As with all new development the application needs to address and mitigate the additional pressure on the environmental, social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). A Section 106 legal agreement is not normally triggered by schemes of less than 5 or more dwellings. However, one is required to secure the management and retention of the public open space and to address its impact on European designated sites for nature conservation. The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the

New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

7. Summary

- 7.1 Overall, it is considered that a suitable balance has been achieved between securing additional housing and re-providing some publicly accessible space on the site. The improvements to the access together with the controls secured by planning condition should ensure that the development functions well. These aspects to the scheme have fully addressed previous reasons for refusal. The delivery of genuine family housing is welcome and the design of the scheme would complement the surrounding pattern of development. Moreover, the benefits of securing useable space for the public and bringing a vacant site back into active use are considered to outweigh the net loss of open space and the departure from the Development Plan.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

ARL for 06/10/2020 PROW Panel

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Details of building materials to be used (Pre-Commencement)

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. 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 interests of amenity by endeavouring to achieve a building of visual quality.

3. Residential - Permitted Development Restriction (Performance Condition)

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), or

Class E (curtilage structures), including a garage, shed, greenhouse, etc...

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development and visual amenities of the area.

4. No other windows or doors other than approved (Performance Condition)

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 windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

5. Refuse & Recycling (Performance)

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved.

Reason: In the interest of visual and residential amenity.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

6. Refuse management plan (Pre-Commencement)

Prior to commencement of the development hereby approved, a refuse management plan, which will include provision for a private refuse collection, including on-site tracking and details of the size of refuse collection vehicles, shall be submitted to and be agreed in writing by the Local Planning Authority. The approved refuse management plan shall be implemented and adhered to at all time whilst the development is in residential use.

Reason: In the interests of highway safety, having regard to the fact the access cannot safely accommodate a standard refuse collection vehicle or larger servicing vehicles.

7. Cycle parking (Performance)

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

Reason: To encourage cycling as an alternative form of transport

8. Cycle parking for users of the open space (Pre-Occupation)

Before the development hereby approved first comes into occupation, details of the short term cycle parking for users of the approved open space shall be submitted to and be approved in writing by the Local Planning Authority. The cycle parking shall be provided and made available for use in accordance with the plans approved. The storage shall thereafter be retained as approved.

Reason: To encourage cycling as an alternative form of transport

9. Parking Management Plan (Pre-Commencement)

No more than 2 parking spaces shall be allocated to each dwelling. Prior to commencement of the development hereby approved, a parking management plan shall be submitted to and be agreed in writing by the Local Planning Authority that sets out details of how the affected spaces will be marked out and then how they will monitor, enforce and prevent informal parking (parking other than the designated bays) across the entire site including the site access and those spaces identified to serve the public open space. The approved parking management plan shall be implemented and adhered to at all times when the open space is in use.

Reason: In the interests of highway safety.

10. Vehicular Sightlines specification (Performance)

Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 600 mm above carriageway level within the sight line splays as shown on the plans hereby approved.

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

11. Accessway and sightline details (Pre-Commencement)

Prior to the commencement of the development hereby approved a detailed specification which incorporates the following revisions shall be submitted to and approved:

- The design of the pedestrian environment to incorporate either the use of surfacing to create a high-quality shared space and/or the use of a dedicated pedestrian route;
- The provision of a gradient within the access that is suitable for wheelchair users;
- Secure sufficient pedestrians sightlines and;
- Details of drainage to avoid surface water runoff onto the highway.

The works shall be implemented in accordance with the agreed details before the development first comes into occupation or the open space is first used and the measures thereafter retained as approved.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

12. Parking and access (Pre-Occupation)

The parking spaces and access hereby approved shall be provided prior to the development first coming into occupation or the open space first coming into use. The parking spaces shall be 2.4m wide by 5m deep. The access shall be constructed to the dimensions shown within the approved site plan and thereafter retained as approved, unless agreed in writing by the Local Planning Authority.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

13. Structural calculations (Pre-Commencement)

Prior to commencement of the development hereby approved, a formal structural report detailing the following shall be submitted to and be agreed in writing by the Local Planning Authority;

- The method to maintain the retaining wall between the site and 114 Portsmouth Road during construction;
- The construction method proposed to construct the access road; and
- The retention of the retaining wall during the lifetime of the development.

The approved details set out in the structural report shall be implemented and adhered to at all time when the development is in residential use.

Reason: In the interest of land stability.

14. Energy & Water (Pre-Commencement Condition)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until 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 (Amended 2015).

15. 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 Adopted Core Strategy (Amended 2015).

16. Site Levels (Pre-commencement)

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 Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves 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: To ensure that the heights and finished levels of the development are built as agreed in the interests of visual and neighbour amenity.

17. Landscaping & means of enclosure detailed plan (Pre-Commencement)

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

- i. hard surfacing materials;
- ii. planting plans, to include the retention of the existing boundary hedge where possible, 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 - to be agreed;
- iii. the detailed design of the open space area including planting, hard-surfacing materials, boundary treatment and ancillary objects such as benches or litter bins.
- iv. replacement of trees of a ratio of two for one;
- v. boundary treatment and;
- vi. a landscape management scheme.

The approved hard and soft landscaping scheme for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision, with the exception of the boundary treatment and landscaping of the open space which shall be retained for the lifetime of the development.

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

Reason: To improve the appearance of the site, screen the development, 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

18. Arboricultural Method Statement (Pre-Commencement Condition)

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. The Method Statement shall relate to the revised Tree Survey provided pursuant to condition 18, below. 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.

19. Tree survey plan (Pre-Commencement)

No operation in connection with the development hereby permitted shall commence on site until an accurate plan showing the position of all trees on site has been submitted and agreed in writing with the Local Planning Authority.

Reason: To ensure easy identification of all trees to be retained pursuant to any other condition of this decision notice.

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

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.

21. No storage under tree canopy (Performance)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

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

22. Protection of nesting birds (Performance)

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

23. External Lighting Scheme (Pre-Commencement)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity/to minimise the impact on protected species.

24. 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. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

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

25. Surface / foul water drainage (Pre-commencement)

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

26. Hours of work for Demolition / Clearance / Construction (performance condition)

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Friday	08:00 to 18:00 hours
Saturdays	09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

27. Construction Management Plan (Pre-Commencement Condition)

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

28. Approved Plans (Performance)

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.

NOTES TO APPLICANT

1. Southern Water

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

2. Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the

commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.