

**Planning and Rights of Way Panel 22<sup>nd</sup> June 2020**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> St Johns Church, St James Road, Southampton			
<b>Proposed development:</b> Redevelopment of the site. Erection of 4 semi-detached houses, with associated access from St. James Road, parking and gardens, following demolition of the existing St John's Centre building (Outline application seeking approval for access, layout and scale) (Resubmission 20/00851/OUT)			
<b>Application number:</b>	21/00162/OUT	<b>Application type:</b>	Outline
<b>Case officer:</b>	Stuart Brooks	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	29.06.2021 (ETA)	<b>Ward:</b>	Freemantle
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors:</b>	Cllr Windle Cllr Shields Cllr Leggett
<b>Referred to Panel by:</b>	Cllr Shields	<b>Reason:</b>	Highways safety
<b>Applicant:</b> St. James' Church Parochial Church		<b>Agent:</b> Mr Robin Reay	

<b>Recommendation Summary</b>	<b>Delegate to the Head of Planning &amp; Economic Development to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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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 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. 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 39-42 and 46 of the National Planning Policy Framework (2019). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, SDP16, H1, H2, H7, HE6 of the City of Southampton Local Plan Review (Amended 2015) and CS3, CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>
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1	Habitats Regulation Assessment	2	Development Plan Policies
3	Refusal 20/00851/OUT - Previous		

### **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 or S.111 Legal Agreement to secure 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 conditions as necessary, and to refuse the application in the event that item 2 above is not completed within a reasonable timescale.

#### **1. The site and its context**

- 1.1 This application site is located on the south-western side of St James Road adjacent to the St James local centre, which comprises a parade of local shops. The surrounding area is characterised by mainly two storey suburban residential properties.
- 1.2 The site has an area of 752sqm and comprises a 1950's church building (with community facilities) in a redolent style of its period. The building is unlisted. The property falls within the demise of the St James Parochial Church and the Diocese of Winchester. Informal parking is located within a hardstanding area to the front of the site which also includes a pollarded London Plane mature tree (not protected) in the north-west corner.

#### **2. Proposal**

- 2.1 The application seeks outline approval for matters of Access, Layout and Scale for consideration under this application to redevelop the existing church building to erect 4 no. semi-detached 3-bedroom dwellings with associated access from St. James Road and parking. Indicative drawings to show how the building architecture could look have been provided. Matters of Appearance and Landscaping are reserved and these details would need to be considered under a separate reserved matters planning application.
- 2.2 The starting point to assess the quality of the residential environment for future occupants is the minimum floorspace set out in Nationally Described Space Standards (NDSS) (3 bed = 84 to 102sqm) and the minimum garden sizes of 70sqm per semi-detached property set out in the Council's Residential Design Guide (para 2.3.14 and section 4.4).

Dwelling	Floor Size sqm & Garden size	National Standard & Minimum Garden	Compliance
Plot 1	102 & 84	84-102 & 70	Y & Y
Plot 2	102 & 74	84-102 & 70	Y & Y
Plot 3	102 & 70	84-102 & 70	Y & Y
Plot 4	102 & 90	84-102 & 70	Y & Y

- 2.3 The planning application has been amended following the initial submission with the vehicle access onto St James Road repositioned to prevent conflict with the raised accessible kerbing for the adjacent bus stop. The proposed vehicle access point remains in the same position as the existing for the church, albeit extended 3m further south and will create a formalised parking arrangement with on-site turning space to enable vehicles to safely enter and exit onto the highway in a forward gear. There will be the provision of 1 off-road parking space per dwelling. A secure lockable cycle store is located in the rear garden(s) and has external access for each property.
- 2.4 The applicant has amended the indicative elevation plans to demonstrate that a building aesthetic can be achieved which is in keeping with the traditional double bay proportions and features of the typical semi-detached properties within the surrounding area.

### 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 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 This current application follows a previous refusal in October 2020 for the development of the church site to provide 5 x 3 storey terraced dwellings (Ref 20/00851/OUT). The previous reasons for refusal are set out in the decision notice and plans are set out in **Appendix 3**. In light of these previous design concerns, the applicant has made significant changes to the appearance, layout and scale of the new scheme, provided a parking survey, and reduced the level and mix of housing from 5 to 4 dwellings which is better appropriate for the site area and in keeping with the established character of the area. The Panel are not necessarily bound by the reasons cited in the previous delegated refusal, but the following report will explain how these refusal reasons have been addressed by the current scheme

## 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, and erecting a site notice **26.02.2021**. At the time of writing the report **4** representations have been received from surrounding residents, including a Ward Cllr Panel Referral. The following is a summary of the points raised:

5.2 Risk to road safety. The location of these new houses are directly opposite a junction, next to a roundabout and adjacent to shops. In addition, Raymond Road/ St James road already has fast cars cutting through (especially in rush hours). This particular area of the road is also 'complicated' with cars in all directions. The driveways for these four houses do not facilitate the ability to turn and therefore cars will be reversing either out or in.

### Response

*The present impact from trips and vehicle movements of the existing community/church use using the existing access should be considered as a starting point for assessing this application. That said, the access and parking layout has been amended so it formalises on site turning utilising the same dropped kerb access (albeit extended by 3m). The access is re-positioned to be a safe distance away from the bus stop accessible kerb, and enable vehicles to enter and leave the site in a forward gear, thus not having to reverse onto St James Road. It should be noted that there is already a level of traffic interaction between an existing driveway (60 Raymond Road) and access opposite South View Road, so no additional significant risk will be posed to road safety from the traffic and vehicle movements associated with the proposed development. The nature of these existing circumstances also apply to the driveways of residential properties adjacent to the roundabout between Malmesbury Road/Raymond Road and this is located 35m away from the nearest point of the vehicle access. No objection has been raised by the Council's Highways Officer.*

5.3 With only one car parking space per house, there is bound to be more parking required by the residents of these new houses. I understand the traffic survey states that there is space for parking in local roads during the night, but I am concerned that cars will take the places in front of the local shops on St James Road, affecting business for those shops. These extra vehicles will also be in competition with the increased parking required for the new school off Malmesbury Road, which will have a considerable impact on local roads.

### Response

*The traffic regulation order in front of the adjacent shops prohibits vehicles parking for more than 1 hour between 08:00 to 18:00 Monday to Saturday so discourages residents parking during those day time business hours, whilst the parking survey found on average 121 street parking spaces available out of the overall capacity of 319 spaces within 200m walking distance of the site. The parking survey did not rely on street parking in the whole of Malmesbury Avenue; only 150m of its 550m length (to junction of Charlton Road). The parking impact of the St Marks School itself has been separately considered under a previous application. The availability of street parking found in the surveys is not considered to cause undue competition with nearby residents as it can adequately absorb the 4 space shortfall of the maximum parking standards. The shortfall of parking is considered acceptable having regard to the*

*accessibility of the area, availability of on-street parking and the merits of family housing delivery.*

5.4 Harm to the existing tree at the rear of the site.

Response

*The tree officer is satisfied there will be no adverse impact on the tree subject to the securing of the recommended tree protection conditions.*

**Consultation Responses**

5.4

<b>Consultee</b>	<b>Comments</b>
Cllr Shields	<p>I would like the assessment of this application to take into full account and apply conditions as necessary to ameliorate the potential negative impact on road traffic at a very busy junction and to ensure maximum road safety.</p> <p><u>Officer Response</u> – See officer comments on road safety above and in the considerations section below</p>
Conservation Officer	<p><u>Objection</u></p> <p>The submitted Design and Access Statement states that although the building is not completely redundant, it is sparsely used as a church facility and activities now take place elsewhere within the local vicinity. Therefore, whilst I acknowledge that the building appears to have outlived its usefulness as a community facility, it is disappointing that no other use for the building has been considered. For instance, although the church building is not a listed building, nor does it sit within a conservation area (and thus is not afforded any statutory protection), the building is redolent of its period and displays the simple and restrained form of modernist architecture of the post-war period and stands out, and positively contributes to the character of the area. A building of this type also contains a strong historical and social connection to the community to which it once served. Consequently, the building contains a moderate degree of heritage interest (significance), and as such, it would be considered a non-designated heritage asset under the NPPF.</p> <p>On this basis, the loss of this building would be regrettable and the retention and conversion of this building should be sought in the first instance, especially as the open plan nature of the building, coupled with its height and forecourt arrangement, could facilitate an innovative conversion scheme. For instance, the building could be retrofitted to provide a residential use for 2 or 3 units, and I disagree with the opinion that the building would be overly difficult to repair or upgrade. Furthermore, although I would defer to my colleagues as to the quality and the design merits of the proposed replacement units, I remain to be convinced that the new development would</p>

	<p>introduce a form of architecture that would be equal to, or would result in a betterment, over the existing building in this location. As such, the retention and conversion of the existing building would be advised from a conservation perspective.</p> <p>Notwithstanding the above, should you consider that the public benefits of the proposals would outweigh the direct loss of this non-designated heritage asset in the planning balance, attaching conditions to record the building in full prior to its demolition would be advised.</p> <p><u>RESPONSE</u>  <i>Whilst the historic significance of the building is recognised, the possibility of re-using the building has been explored with the applicant for community and residential reuse but structural and viability concerns have been raised against this. The community group owner of the church building confirms it is not financially viable to the re-use of the building given the expense of retro-fitting. The profit from the development project will go back into the local community to support the St James Church facilities in the nearby conservation area so there are wider benefits, albeit indirect and does not directly mitigate the loss of the undesignated heritage asset. In converting the existing church to residential use, the irregular shape and layout of the building itself would not lend itself very well to a good standard of residential accommodation, especially where the garden space would have to sited at the front of the plot due to the position of existing footprint tightly adjacent to the rear boundary. As such merits of family housing delivery are considered to outweigh the direct loss of this non-designated heritage asset. Furthermore, the UK planning system affords the building very little weight from demolition</i></p>
SCC Archaeology	No objection subject to conditions
SCC Urban Design Manager	<p>With regard to the proposed dwellings the applicant needs to assess the character of surrounding residential area. Although hipped roofs are present by far the most dominant character element is projecting gables and bays which will be required in order for this development to assimilate into the street scene. Street trees will also be need in the front garden.</p> <p><u>RESPONSE</u>  <i>The appearance and landscaping of the dwellings is a reserved matter under the outline approval so is not being approved under this application, however, the applicant has amended the indicative elevational design to be in keeping with the traditional style and features of semi-detached dwellings in the local area.</i></p>
SCC Ecology	No objection subject to conditions
SCC Contamination	No objection subject to conditions

Environmental Health	No objection
Highways Development Management Officer	<p>No objection</p> <p>Having reviewed the resubmitted site plan, I'm satisfied the vehicle access point does not impact on the accessible kerbing for the bus stop on St James Road. The proposed vehicle access point remains the same as the existing for the church, all be it positioned 3m further south and with a more formalised parking arrangement on site, which will enable vehicles to exit onto the highway in a forward gear. Therefore, Highways DM are satisfied there are no aggravated highways safety concerns arising from the development. If you are minded to approve the application, a condition is recommended to keep the front boundary treatments below 0.6m where they meet the footway, to ensure clear pedestrian sightlines of vehicles exiting the site onto the highway. Cycle storage is acceptable, but a condition should be attached to any approval ensuring a secure Sheffield stand is provided within the store for bikes to be secured to, as per Section 5.3 of the Parking Standards SPD. Also, the cycle stores should be easily accessible from the highway (section 5 of Parking Standards SPD), and either be repositioned closer to the side gates, or provided with a pathway over the lawn area to ensure users can comfortably access.</p>
Sustainability	No objection subject to conditions
Trees & Open Spaces	<p>No objection</p> <p>The tree is a London Plane, it has been pollarded but is a species that is well suited to this form of management and does not necessarily make it a poor specimen, pollarded trees can survive long term as they are not subject to the same loading stresses as full grown trees and they can provide valuable habitat from an ecological perspective. The branch structure appears to be strong and is well on the way to forming a new complete crown. With a trunk of this size I would estimate the potential Root Protection Area (RPA) to be somewhere in the region of 6m from the main trunk - this is a conservative estimate and considers the fact that it is both a pollard and that site restrictions such as building foundations or hardstanding may affect the actual rooting pattern. Obviously, this is an estimate based on the photos provided and perhaps highlights the requirement for an accurately measured tree survey, without this I have no way of knowing where protective fencing would be needed to create an exclusion zone that would protect the predicted RPA. If the tree is to be retained it will need some form of fencing at a suitable distance from the trunk to provide protection to the RPA. In my experience, reasonable care is not 'a given' on construction sites and needs</p>

	<p>to be enforced using such fences, clearly marked and constructed before any demolition traffic enters the site. This could, as suggested, be covered by pre-commencement and performance conditions placed alongside permission if it were granted.</p>
<p>Southern Water</p>	<p>It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised.</p> <p><u>AGENT RESPONSE</u>  <i>From the Southern Water plan it appears that the water main does not cross any land within the St. John's Centre ownership but instead runs either within the road or the pavement in front of St. Johns; i.e. presumably within highway land. Certainly the applicants don't know the whereabouts of the water main and there isn't anything on the ground that indicates where it runs (there is a manhole cover in the road towards the eastern end of the St. Johns frontage but this doesn't appear to relate to the water main). I'm not sure therefore how we would establish its location and this seems to me to be something that Southern Water should either know or be able to find out themselves. In any event, none of the proposed buildings lie within 6 metres of the line of the water main as shown on the Southern Water plan and there is no need for any tree planting anywhere within that distance. For the most part, the new parking spaces will use dropped kerbs that already exist for access to the St. Johns parking and the necessary works for those spaces that don't will simply involve the installation of dropped kerbs which need not affect the water main.</i></p> <p><u>CASE OFFICER RESPONSE</u>  <i>A condition is recommended to require further investigation and necessary protection measures prior to commencement of works. Nevertheless, the applicant has to gain separate consent from Southern Water/building regulations in relation to any works potentially affecting a public sewer.</i></p>

## 6.0 Planning Consideration Key Issues

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

- The principle of development;
- Loss of non-designated heritage asset;
- Design and effect on character;
- Residential amenity;

- Parking highways and transport and;
- Likely effect on designated habitats.

## 6.2 Principle of Development

- 6.2.1 The Council's Conservation Officer considers that the heritage significance of the existing Church building has the status of a non-designated heritage asset. Paragraph 197 of the NPPF requires the Council to take into account the effect of an application on the significance of a non-designated heritage asset in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This is further discussed in the report below.
- 6.2.2 The church building is designated for community use under policy CS3 whilst the hall provides facilities for local community groups. Paragraph 92 of the NPPF states that the Council should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Community facilities includes public houses, as defined by the NPPF and policy CS3 of the Core Strategy. Policy CS3 states that proposals resulting in the loss of a community facility throughout the city will not be supported if it is viable for the commercial, public or community sector to operate it and if there is no similar or replacement facility in the same neighbourhood.
- 6.2.3 The applicant states that the proposed redevelopment of the St. John's Centre forms part of St. James' Church strategic reassessment of its accommodation. In that strategic plan, revenue generated from the development of the St. John's Centre site will help fund the refurbishment and enhancement of the main St James' Church facilities (including Shirley Parish Hall on the corner of Colebrook Avenue and St. James Road) to better suit their regular church and community usage. Although no up to date marketing evidence has been provided to show the viability of the continued use of the building, the loss of the church building and hall itself is not considered to significantly impact on the day to day needs of the local community to access other similar facilities that exist in the local vicinity of St James Road, including the Christadelphian Church (corner of Hanley Road) and the St James Methodist Church. The applicant has provided evidence to show that the structural condition of the building is not viable for upkeep in order to provide the quality of facilities normally required to support local groups and organisations.
- 6.2.4 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in medium accessibility locations such as this, density levels should generally accord with the range of 50-100 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 53 d.p.h which is compliant, however, it needs to be tested in terms of the merits of the scheme as a whole. This is discussed in more detail below.
- 6.2.5 Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing. The site is

not allocated for housing however it represents an opportunity for windfall housing. The Local Development Framework Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. The City has a housing need as well as a need for dwellings suitable for smaller households to diversify the mix and balance of the community. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. However it should be noted that up to 2021/22 the Council has sufficient completions and allocations without needing to rely on any windfall housing.

6.2.6 As such, the principle of the proposed residential development of the previously developed land can be supported, subject to the loss of the non-designated heritage asset can be justified.

### 6.3 Loss of non-designated heritage asset

6.3.1 It is recognised that the Conservation Officer considers that the building is redolent of its period and displays the simple and restrained form of modernist architecture of the post-war period and stands out, and positively contributes to the character of the area. A building of this type also contains a strong historical and social connection to the community to which it once served. Consequently, the building contains a moderate degree of heritage interest (significance), and as such, it would be considered a non-designated heritage asset under the NPPF.

6.3.2 In the weighing up whether the public benefits of the proposals would outweigh the direct loss of this non-designated heritage asset in the planning balance, the applicant has provided evidence to demonstrate that i) the building is not suitable for residential conversion given the significant costs to upgrade the structure to modern construction standards, ii) the quality of the current facilities and high cost of upkeep for a non-profit organisation does not offer the modern facilities which meets the needs of local groups and organisations.

6.3.3 As such, although the loss of the building is regrettable, on balance the replacement of the ailing building with the positive benefit of re-purposing the site for family housing within a suburban area to boost housing supply would therefore outweigh its loss given the limited prospect of being modernised to be fit for purpose in order to provide suitable facilities to meet the day to day needs of local community groups and congregations.

### 6.4 Design and effect on character

6.4.1 The layout and scale of the development has been well designed to ensure it respects the established character of the area, both in terms of falling well within the expected density range, and not physically over-developing the land with regards to the building footprint coverage of each individual plot. Although a reserved matter to be assessed after the outline stage, the indicative design of the amended building elevations sympathetically reflects the traditional style and features of the typical semi-detached dwellings in the surrounding area. That said, when it comes to reserved matters submitted by the current or future landowner, officers will expect the design to reflect the indicative drawings to ensure it is in keeping with the local character, and the layout, scale and massing parameters will be fixed by the approved outline plans.

6.4.2 The frontage of the existing church is pre-dominantly covered by tarmac/concrete hardstanding. Due to the conflict between the location of the existing accessible bus stop kerbing within the path of the driveways of plots 3 and 4, it is not possible to reconfigure the existing front hardstanding to form individual driveways for each plot. Instead the existing hardstanding area in front of the church building will be re-utilised to create a formal parking area with on-site turning available. The level of hardstanding and parking associated with the amended layout of the frontage will not significantly change the appearance of the existing street scene, whilst there would be betterment from the opportunity to provide low boundary front walls and soft landscaping, including tree planting.

6.4.3 The Tree Officer is satisfied that the layout of the proposed development would not adversely harm the health of the existing London Plane tree in the rear north-west corner of the site, however, further details of protective fencing will be requested prior to commencement of development to safeguard the tree during construction.

## 6.5 Residential amenity

6.5.1 Whilst the internal floor layout of the proposed dwellings is a matter reserved at outline stage for approval, however, it is clear from the proposed the scale, massing and layout of the two storey dwellings that there is adequate separation between the neighbouring residential properties eitherside (60 Raymond Road & 1 St James Road) and those bordering to the south-west in Raymond Road to ensure that access to privacy, outlook and light enjoyed by the neighbouring residents is adequately maintained in accordance with the standards set out in section 2 of the Residential Design Guide. Furthermore, the indicative scheme demonstrates that quality family housing is possible on this site with dual aspect, compliant floorspace and external garden space and a parking space.

## 6.6 Parking highways and transport

6.6.1 It should be noted that the trips associated with the existing community/church use of the land and vehicle access already has an impact itself on the highway network from traffic and parking demand in the local area. Following the amended plans to reconfigure the access and parking layout on the existing frontage, the Highways Officer is satisfied that the proposed development would not adversely affect road safety nor conflict with the use of bus stop and accessible bus stop kerb for passengers to board a bus at the adjacent stop. Conditions are recommended to ensure any front boundary treatment is minimised to 0.6m to retain safe access visibility.

6.6.2 The maximum parking standards required for this development is 8 off-road spaces (2 per 3 bed dwelling). The proposed development provides 4 spaces (1 per dwelling). The applicant carried out 3 parking surveys covering streets within 200m walking distance of the site, in accordance with the Lambeth Model. This was over the course of 3 nights in December (10<sup>th</sup>, 17<sup>th</sup> & 30<sup>th</sup> between 00:30-00:50 hours). Out of the potential street parking capacity of 319 spaces, an average of 38% kerb-side capacity was observed (121 available street spaces). Therefore, the applicant has

demonstrated that there is sufficient enough on-street parking capacity to adequately absorb the 4 space shortfall below the maximum standards without unduly harming the amenity of local residents by displacing or competing with existing street parking available.

6.6.3 The detail of refuse and cycle storage can be agreed by planning conditions.

6.7 Likely effect on designated habitats

6.7.1 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 In summary, the application has demonstrated that the proposed redevelopment of the existing church building would not reduce the community's ability to meet its day to day needs. Whilst it is recognised that the development will replace a building of non-designated heritage status, its retention and future upkeep or reuse is not feasible or viable and the Church have indicated that revenue from the disposal of this site will assist in supporting its other community facilities within the neighbourhood. In weighing up the planning balance, the public losses would be outweighed by overall public benefits of family housing delivery. The officers are satisfied that the access and parking layout does not cause significant risk to road safety in the local area, and the design and layout of the scheme complements the character and appearance of the street scene and maintains the amenity of local residents, and provides a good standard of family housing accommodation.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to the 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) (f) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

**SB Initials for 22/06/21 PROW Panel**

**PLANNING CONDITIONS**

**01. Outline Permission Timing Condition (Performance)**

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 structure 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 landscaping of the site specifying both the hard, soft treatments and means of enclosures alongside its ongoing maintenance.
  - the appearance and architectural design specifying the external materials to be used;
- (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).

**02. Details of building materials to be used (Pre-Commencement Condition)**

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.

**03. Construction Management Plan (Pre-Commencement)**

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.

**04. Hours of work for Demolition / Clearance / Construction (Performance)**

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.

**05. Land Contamination investigation and remediation (Pre-Commencement & Occupation)**

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.

**06. Use of uncontaminated soils and fill (Performance)**

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.

**07. Energy & Water [Pre-Construction]**

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 a minimum 19% improvement over current Building Regulation part L Target Emission Rate requirements and 105 Litres/Person/Day internal water use. 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).

**08. Energy & Water [Performance]**

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 current Building Regulations Target Emission Rate (TER) requirements and 105 Litres/Person/Day internal water use 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).

**09. Archaeological structure-recording [Pre-Commencement Condition]**

No development shall take place within the site until the implementation of a programme of recording 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 recording of a significant structure is initiated at an appropriate point in development procedure.

**10. Archaeological structure-recording work programme [Performance Condition]**

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.

**11. Archaeological watching brief investigation [Pre-Commencement Condition]**

No development (apart from above-ground demolition) 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.

**12. Archaeological watching brief work programme [Performance Condition]**

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.

**13. Public Sewer protection (Performance)**

Prior to the commencement of development, details of the measures to protect the public sewer from damage during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the public sewer.

**14. 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.

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

**15. Ecological Mitigation Statement (Pre-Commencement)**

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

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

**16. 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

**17. 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 biodiversity and protection of wildlife habitat.

**18. Cycle storage facilities (Pre-Occupation Condition)**

Notwithstanding the approved plans, before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This shall include details of the provision of internal horizontal stands to secure each cycle, entrance locking system for residents, and specification of internal and external lighting to be fitted. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

**19. Refuse & Recycling (Pre-Occupation)**

Prior to the occupation of the dwellings hereby approved, details of storage for refuse and recycling, together with the access to it and waste collection management plan, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the dwellings are first occupied and thereafter retained as approved. Unless otherwise agreed by the

Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

*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](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements.*

**20. Access & Parking (Pre-occupation)**

Prior to the occupation of the dwellings, the development shall be implemented in accordance with the approved details including the provision of the access and parking and shall thereafter be retained for the duration of the lifetime of the development. notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level along the front boundary.

Reason: In the interests of securing safe access onto a classified road in the interests of highways safety.

**21. Amenity Space Access (Pre-Occupation)**

Before the dwellings hereby approved first come into occupation, the external amenity space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

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

**22. 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),

Class E (outbuildings)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site, in the interests of maintaining living conditions of future occupiers as the garden sizes provided within this suburban context are close to or equivalent to minimum standards, and the comprehensive development and visual amenities of the area.

**23. 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.