

**Planning and Rights of Way Panel 22<sup>nd</sup> June 2021**  
**Planning Application Report of the Head of Planning & Economic Development**

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| <b>Application address:</b> Bitterne Parish Church Office, Whites Road, Southampton  |   |  |  |
| <b>Proposed development:</b> Outline application for the redevelopment of the site including 15 houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking following demolition of existing parish church hall and the removal of the existing bowling green and pavilion (layout and access only all other matters reserved) (departure from local plan) (amended description following amended plans). |   |  |  |
| <b>Application number:</b>   | 19/00838/OUT  | <b>Application type:</b>                 | Outline  |
| <b>Case officer:</b>   | Mathew Pidgeon  | <b>Public speaking time:</b>             | 15 minutes   |
| <b>Last date for determination:</b>  | 29/06/2021. (ETA)                                     | <b>Ward:</b>                             | Peartree   |
| <b>Reason for Panel Referral:</b>  | Five or more letters of objection have been received. | <b>Ward Councillors:</b>                 | Cllr J Payne<br>Cllr Bell<br>Cllr Houghton   |
| <b>Referred to Panel by:</b>   | Former Cllr Keogh                                     | <b>Reason:</b>                           | Owing to the number of objections raised, particularly in relation to highways impact. |
| <b>Applicant:</b> Mr M Cranston  |   | <b>Agent:</b> Studio Four Architects Ltd |  |

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| <b>Recommendation Summary</b> | Delegate to Service Lead – Infrastructure Planning & Development to grant planning permission subject to criteria listed in report. |
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| <b>Community Infrastructure Levy Liable</b> | 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 including housing need, impact on neighbouring amenity, trees/ecology, on street car parking pressure and open space provision have been considered and are not judged to have sufficient weight to justify a refusal of the application. 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 – CS3, CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, HE3, HE6 H1, H2, H7 and REI5 of the City of Southampton Local Plan Review (Amended 2015).

| <b>Appendix attached</b> |                                |   |                           |
|--------------------------|--------------------------------|---|---------------------------|
| 1                        | Habitats Regulation Assessment | 2 | Development Plan Policies |
| 3                        | Relevant Planning History      | 4 | Viability Appraisal       |

### **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. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - iii. Submission of a construction traffic management plan to ensure that construction traffic causes minimal potential congestion on the local highway network.
  - iv. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) including an Affordable Housing Viability Review Clause reflective of the DVS appraisal.
  - v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
  - vi. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
  - vii. 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.
  - viii. Provision of a Multi-Use Games Area (MUGA) to be managed through a community use agreement to mitigate against the loss of playing pitches (bowling green and ball court) on the site.

- ix. A plan for tree replacement to mitigate the loss of trees in connection with the Development.

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 Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

## **Background**

The applicants have indicated that this scheme would represent 'enabling' development to assist in funding the church extension to Holy Saviour Church, approved under permission 19/00123/FUL although this does not form part of the planning assessment.

The overall project seeks to rationalise the site, bringing all activity spaces together onto the Holy Saviour Church site and making land which is now surplus to requirements available for housing development.

This application has evolved following engagement with the Diocese, Methodist Church, local Councillors, local community and the Local Planning Authority as part of the strategic review of options for this site.

Amended plans have been received following the initial submission which have reduced the scale of the housing from three to two-storeys and a flatted block comprising 15 flats has been replaced with five x 2 bed dwellings. The layout of the site has also changed with internal road and parking improvements having been made. The orientation of one of the houses on the entrance to the site has also been swapped; the houses having been turned through 180 degrees and now fronts Whites Road.

The development triggers the need for a Section 106 legal agreement to secure financial contributions to mitigate the impact of the development. A viability appraisal has been carried out on the scheme which has confirmed that an affordable housing contribution would fail to make the proposal viable. The current affordable housing viability / development completion deadline is February 2022 and therefore if the scheme is not completed by this date a new viability appraisal will be required.

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

- 1.1 The site has an area of 1.01 hectares and is located within Bitterne, situated between the residential area to the south and the District Centre to the north-west. Directly north-west of the church site is a large surface car park behind Sainsbury's supermarket; to the south-west the houses of Brownlow Avenue back onto the site and to the south-east and north-west the site is bounded by Whites Road and Bursledon Road respectively.
- 1.2 The site is directly to the south-east of the Holy Saviours Church and its associated graveyard. Holy Saviours Church dates from 1853 and is grade II listed. The main church was extended in the 1990's to the south with a single storey meeting room.

- 1.3 The site comprises the following elements:
- Holy Saviours Church vicarage and garden.
  - Holy Saviours Church parish hall with its associated dedicated car parking area.
  - The Wesley Centre also with its own associated/dedicated car parking.
  - A disused bowling green with small ancillary buildings.
  - A ball court.
- 1.4 The Wesley Centre dates from the 1970's. The Wesley Centre was constructed to accommodate a separate Methodist Church congregation. The building is single storey and accommodates a large congregation/worship hall, a large multi-purpose room and several smaller meeting rooms. Until relatively recently the Wesley Centre was also used by the Parish Church as additional hall/office accommodation however all church activities now take place within Holy Saviours church. The building is currently in poor repair and would require significant investment to allow it to be properly used again.
- 1.5 Vehicular access to the Vicarage, Parish Hall and the Wesley Centre are all achieved from Whites Road via two separate access points. Access to the Vicarage can also be achieved from Bursledon Road. All accesses into the site are achieved along private un-adopted tracks. There is a route through the site which leads from the access to the Vicarage (from Bursledon Road) to the car park serving the Wesley Centre. The route passes between the bowling green and the Vicarage. The route is not, however, a public right of way.
- 1.6 There are 9 dedicated parking spaces serving the Parish Hall and there are 20 dedicated car parking spaces serving the Wesley Centre. The access and car park serving the Wesley Centre is also used to access the Vicarage. The car park is regularly used as a pedestrian short cut from Whites Road to the car park in Angel Crescent although it is not defined as a right of way.
- 1.7 The Parish Hall is a single storey 1950's building accommodating a large multi-purpose space, kitchen and storage. The building, whilst structurally sound, would also require significant investment to allow it to be properly used again. Located behind the Parish Hall is the former bowling green which was regularly used until 2016 when the bowling club moved off site. The green was not competition standard in terms of size and had been damaged by nearby trees. Adjacent to the green is the tarmac ball court enclosed by chain-link fencing and has seen little use in recent years.
- 1.8 A defining characteristic of the site are large mature trees and other soft landscape features. Of the 109 trees on the site only 15 are not covered by tree preservation order.

## **2 Proposal**

- 2.1 The application seeks outline approval for matters of access and layout with details of appearance, scale and landscaping reserved. The proposal seeks redevelopment following the demolition of the Parish Hall and the Wesley Centre; reconfiguring the ball court, re-providing car parking for the church (28 spaces) with new access from Bursledon Road; and constructing 15 houses with vehicular access from Whites Road. In total 30 car parking spaces will be provided to serve the 15 houses. Parking for the Vicarage will remain unchanged.

- 2.2 The layout results in the felling of 20 trees. 10 of these are due to building constraints and 10 are due to their poor condition. Of the 20 trees, 8 are covered by tree preservation orders.

### **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 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) 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 The scheme follows planning permission for an extension to Holy Saviours Church which gained approval in March 2019 (19/00123/FUL).
- 4.2 The planning history for the site includes the construction and minor alteration of buildings positioned on site along with the erection of floodlight poles within the ball court in 1993 and car parking alterations in 1968. The current application represents the first proposal for significant layout, use and building construction works on site since the planning records began.
- 4.3 A schedule of the planning history for the site is set out in **Appendix 3** 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 31.05.2019 and erecting a site notice 29.05.2019. At the time of writing the report 60 representations have been received (**30 objections, 30 in support [including city of Southampton society]**) The following is a summary of the points raised:

#### **IN SUPPORT:**

- 5.2 **Approval would facilitate the extension of the church and re-provide a fit for purpose facility which can be used by various community groups as well as groups directly associated with Church.**

- 5.3 **Low density family housing with gardens and off-road car parking areas are in keeping with local character and the street scheme of Whites Road.**
- 5.4 **Mature trees are retained on site.**  
*Response - 20 trees in total will need to be felled out of a total number of 109 trees on site; 8 of the 20 to be felled are covered by tree preservation orders. This is a relatively small percentage of overall tree cover on the site and where possible the scheme has been designed to limit its impact on existing protected trees. Appropriate conditions will be added.*
- 5.5 **The community facilities including ball court are subject to antisocial behaviour and are in a poor state of repair. The proposal will allow modernisation resulting in community facilities that are fit for their intended purpose.**
- 5.6 **Good Design with low visual impact**  
*Response - External Appearance is a reserved matter and is therefore not being assessed as part of the planning application. Whilst scale is also a reserved matter the proposed two storey scale is deemed acceptable in principle.*
- 5.7 **In keeping with listed building.**
- 5.8 **Housing compliments and underpins the proposals for the redevelopment.**  
*Response – Not a material planning consideration.*
- 5.9 **Increase safety and security of the vicarage.**
- 5.10 **Makes good use of previously developed land.**

**AGAINST**

- 5.11 **Overdevelopment of the site and wider area/proposed residential density is too high.**  
*Response - The density of the development (15 dwellings per hectare) is acceptable. Each dwelling has adequate garden space and suitable space for refuse, cycle and car parking. National Planning Policies encourage efficient use of previously developed land.*
- 5.12 **Objection to the change from ball court to parking area (already sufficient car parking in the area, loss of community sports area, since its original construction the ball court has halved in size [some being sold for construction of the adjacent garage]). The existing ball court will also be reduced in size (approximately 50%).**  
*Response - A community use agreement between the Church and SCC will be required (secured by legal agreement) to ensure that a sports pitch/ball court (MUGA) is maintained so that it can be used more frequently/intensively than it is currently.*
- 5.13 **3 storey block of flats would not blend in with the surrounding area.**  
*Response – The plans have been amended resulting in no three storey properties being proposed as well as there no longer being any no flatted blocks proposed.*
- 5.14 **Increase the vehicle traffic flow in the surrounding area; in particular Whites Road and Bursledon Road).**

*Response – It is not considered that the proposed development will have significant impact on the local highway network. Objections have not been received from the Highways Team.*

**5.15 Parking pressure (including from visitors).**

*Response – The proposed level of parking provided for each dwelling is deemed to be acceptable and appropriate given location and size of the housing. The Council also has maximum parking standards; and owing to the distance to Bitterne District Centre, where there are numerous public transport points, it is also not necessary to own a car to access public amenities necessary for day to day living.*

**5.16 Reduced highways safety.**

*Response - Provided that vehicle drivers behave reasonably there should not be a significant impact on highways safety.*

**5.17 Air pollution.**

*Response - Air pollution is controlled by separate legislation.*

**5.18 Housing backing onto residential properties fronting Whites Road – privacy concerns.**

*Response - 3 storey houses have been removed/replaced by 2 storey housing to reduce impact. Separation distances between the proposed houses and existing houses on Whites Road achieve the separation distances required by the Residential Design Guide (21m for two storey buildings backing onto one another). It is however important to note that there would also be a new landscaped buffer between the properties.*

**5.19 Housing backing onto residential properties – shadowing concerns.**

*Response – Owing to separation distances and juxtaposition with neighbouring properties, and in particular due to the orientation, the proposed dwellings are not expected to cause significant impact on neighbouring amenity in terms of over shadowing. Shadow diagrams accompany the application.*

**5.20 Housing backing onto residential properties fronting Whites Road – reduced housing value.**

*Response - Not a material planning consideration.*

**5.21 Additional noise.**

*Response - Provided that residents behave reasonably there should not be a significantly harmful impact. Furthermore, a community use agreement will include restrictions to mitigate and control noise impacts arising from the proposed community facilities.*

**5.22 Impact on ecology.**

*Response - The scheme has been supported by the Council's Ecologist. There are ecological mitigation measures proposed which will need to be controlled by condition.*

**5.23 Impact on trees; including from accidental; and purposeful damage during construction.**

*Response - The Council's Tree Officer supports the proposal. The development will need to be carried out in accordance with relevant planning conditions.*

*Developers can be prosecuted for unauthorised damage and removal of protected trees. The Council's Planning Enforcement Team and Tree Team rely upon the public to inform them of unauthorised work; including to trees. There are only 15 trees on site that are not covered by the tree preservation order.*

**5.24 Effect on/of Bitterne Police Station site.**

*Response - The police station site is currently unoccupied. Potential future development cannot be considered in the assessment of this application. Each application must be considered in its own merits. The police station site does not have a planning consent or site allocation that would be prejudiced by the proposed development.*

**5.25 Will there be an affordable housing provision?**

*Response – No. Affordable housing viability has been tested, the conclusion of which is that the scheme is not viable if it includes the provision of affordable housing.*

**5.26 Is there protection against multiple occupation?**

*Response – Southampton has a citywide article 4 direction which requires Planning permission for the change of use from a Class C3 dwelling house to a Class C4 HMO where between three and six unrelated people share a kitchen and/or a bathroom.*

**5.27 Concerns over the alterations to the existing public right of way across the site.**

*Response – There is not a formal right of way across the site although it is clear that the public do currently enjoy informal access across the site from north to south and via which a short cut is achieved from Whites Road to Angel Crescent (also achieved by walking through the graveyard).*

**Consultation Responses**

**5.28 SCC Planning Policy** - It is anticipated that sports facilities in this part of the city (Peartree) will be under the minimum standard as per the 1ha per 1,000 of the population in the Green Spaces Strategy (although have noted Sport England won't object since this is a local facility that doesn't provide a city wide catchment) and there is also a below average amount of open space overall in the Peartree ward (and sports pitches) when looking at the 2015 Open Space Study. The Policy Team would expect a proposal to either retain a reasonable amount of on-site open space which would be of wider benefit and usable to the residents it would serve or for it to be re-provided elsewhere.

**5.29 SCC Open Spaces** - Looking at the history of this site, the tennis court and bowling green area was allotment gardens in the 1890's it then became tennis courts in the 1930's and later became a bowling green and tarmacked tennis courts. So as far as I can see it has been used by the community since at least 1890 (over 120 years). The fencing around the courts has been in poor repair for many years and as far as I can see there has been no unhindered use for a number of years.

**5.30** Given there will be a net increase in population and that the dwellings are proposed to be family houses there will be an increased burden of the limited open space available in the Bitterne area.

- 5.31 No objection is raised provided that a MUGA is provided on site which is accessible by the public and controlled by community use agreement set out in the Section 106 legal agreement and suitable planning conditions.
- 5.32 **SCC Highways** - The principle of development in terms of its nature in this location is considered acceptable. Conditions will be needed to resolve the following points:
- 5.33 Whites Road Access: There is some concern over the access at busy times when traffic is backed up from the traffic lights on Bursledon Road however keep clear signs can be secured under the legal agreement (site specific highways works) to overcome this. A condition is needed to secure sightlines for pedestrians and vehicles.
- 5.34 Bursledon Road Access: The access has been improved and is now acceptable as amended plans have moved it further north. Again, a condition is needed to secure sightlines.
- 5.35 Parking: The number of residential parking spaces proposed (2 spaces for each house and 4 x visitor spaces) is policy compliant. The 28 proposed parking spaces for use by the church complies with the parking standards SPD.
- 5.36 Internal Road Layout: The re-submitted plans address the previous concerns regarding width of access and sufficient internal road layout space for refuse vehicle access.
- 5.37 Cycle Parking: Storage will need to comply with the Parking SPD, 2011 in terms of quantum and design.
- 5.38 **SCC Ecology** – No objection in principle however the proposed mitigation needs to be improved. Apply recommended conditions.
- 5.39 Bats: Emergence surveys have been undertaken. No bat roosts were found but foraging activity by was recorded. The reduction in the extent of available bat foraging habitat will need to be mitigated. In addition, any external lighting should be carefully designed to ensure that it doesn't illuminate surrounding vegetation.
- 5.40 Reptiles: A survey has been undertaken and a low population of slow worm was recorded. Mitigation measures proposed are through use of two of the new gardens. It is not possible to guarantee the retention of suitable habitat in these gardens in the longer term and the proposed mitigation is therefore not acceptable. Slow worm mitigation needs to be delivered on areas that will remain within the control of the church. Detailed mitigation proposals set out in a biodiversity mitigation plan are required.
- 5.41 **SCC Trees** – If minded to grant consent, updates to the Arboricultural Impact Assessment and Method Statement along with a detailed landscape plan will be required in addition to the recommended tree protection conditions.
- 5.42 **SCC Employ** - An Employment and Skills Plan is required. An obligation will be sought via the S.106.

- 5.43 **SCC Flooding** – Insufficient information in relation to the management of surface water at the site has been provided however if the case officer is minded to approve the application conditions are recommended to overcome the concerns raised.
- 5.44 **SCC Sustainability Team** – No objection subject to conditions.
- 5.45 **SCC Archaeology** - The archaeological potential of the site is unknown due to a lack of formal archaeological fieldwork in the area. However, given the large size of the site (total area 1.05 hectares), it is appropriate to carry out an archaeological investigation to mitigate damage to possible archaeological deposits. The archaeological investigation will take the form of a watching brief on the groundworks, with provision to excavate if archaeological deposits are uncovered. Groundworks includes all level reductions, foundations, services/soakaways, etc.
- 5.46 **SCC Environmental Health (Pollution & Safety)** – No objection, apply recommended conditions.
- 5.47 **SCC Environmental Health (Contaminated Land)** - The subject site is located on/adjacent to the following existing and historical land uses - Garage (Adj to NE) – which is associated with potential land contamination hazards. Accordingly apply recommended conditions.
- 5.48 **Sport England** – No objection. The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case.
- 5.49 **Southern Water** – No objection subject to recommended conditions and informatives.

## **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 effect on character;
  - Residential amenity;
  - Parking highways and transport;
  - Loss of open space
  - Air Quality and the Green Charter;
  - Trees and Ecology;
  - Mitigation of direct local impacts; and
  - Likely effect on designated habitats.

### Principle of Development

- 6.2 The NPPF introduces a presumption in favour of sustainable housing development and the use of previously developed land. Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing. In particular policy H2 of the

Local Plan encourages the maximum use of derelict, vacant and underused land for residential development.

- 6.3 Policy CS16 of the Core Strategy requires the provision of 30% family homes within new developments of ten or more dwellings. The policy goes on to define a family home as that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The proposal incorporates 10 family units with acceptable private garden space and, as such, accords with this policy (equates to 66%).
- 6.4 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 15 d.p.h which, whilst falls below the range set out above, needs to be tested in terms of the merits of the scheme as a whole. This is discussed in more detail below.
- 6.5 Whilst the proposed density is 15 dwellings per hectare the scheme is judged to be compliant with policy CS5 given the character of the immediate local area; any more development proposed on the site is likely to result in the removal of additional protected trees and also result in the loss of car parking spaces and open space. The chosen design and quantum of development is sensitive to this context and acceptable in that respect.
- 6.6 It is also noted that the City has a housing need; as detailed in Policy CS4, whereby an additional 16,300 homes need to be provided within the City between 2006 and 2026 and the proposal will help to achieve this target.
- 6.7 The buildings proposed to be demolished (Wesley Centre and Parish Hall) are designated for community use under policy CS3 and the NPPF. 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. 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.
- 6.8 One of the main aims of the overall project is to enhance the church's established practice of community partnership and co-operation to further encourage other agencies, societies, clubs and individuals to promote and run community activities. Whilst the net effect of the proposal reduces the net floor area of available space the space created by the extension to Holy Saviours church will make the spaces significantly more flexible and better suited to host a range of community activities. Locating all of the community spaces in and around Holy Saviour's Church will also allow much greater efficiency in the use of ancillary spaces as well as reducing running costs. The space will also be modern and fit for purpose whereas the existing facilities within the Wesley Centre and Parish Hall are currently in a poor state of repair.

- 6.9 Although no up to date marketing evidence has been provided to show the viability of the continued use of the buildings, their loss is not considered to significantly impact on the day to day needs of the local community to access other similar community use facilities which will be further enhanced once the extension to Holy Saviours Church has been completed.
- 6.10 In principle the scheme is, therefore, considered to be acceptable in this location as it would result in making efficient and effective use of land in a sustainable location as required by the NPPF and local planning policies.

#### Design and effect on character

- 6.11 External appearance, scale and landscaping details are reserved matters and therefore should not be considered as part of this assessment. Layout and access are however to be considered and will have an impact on character.
- 6.12 The scheme would result in one access onto Whites Road replacing two existing accesses. In terms of visual appearance and character of the street scene of Whites Road the proposal represents a betterment.
- 6.13 Since the original submission the layout of the scheme has been amended with the aim of reducing dead frontages, backs/sides of properties without windows overlooking the street, from facing onto Whites Road. This is also considered to be a betterment in terms of impact on local character.
- 6.14 Whilst there is not a significant amount of back land development in the local area the existing nature of the buildings within the site are themselves unusual and replacing them with housing is not considered to be at odds with the existing character nor would they harm the setting of the listed church to the north due to the separation distance and vegetative boundaries; in addition the design of the houses is a reserved matter.
- 6.15 The footprint of the houses, the amount of garden proposed; and space around each dwelling (or group of dwellings), is also not significantly different to that of housing development within the neighbourhood. The proposed layout also takes careful account of trees on and around the site with only 20 proposed to be felled out of a total of 109 and thus the general character of the area, as contributed by large mature trees, will be retained.
- 6.16 Whilst scale is a reserved matter the site plan does indicate the number of bedrooms proposed for each dwelling and the indicative floor plans provided demonstrate that all dwellings proposed are now (following amendments) two storey. The revised indicative floor plans and site plan (showing proposed footprints to the buildings) demonstrate that the proposal reflects local design characteristics in terms of footprint and building to plot ratio and the Council will have the opportunity to comment on the overall design at the reserved matters stage.
- 6.17 The proposed dwellings are therefore judged not to appear out of character within the plot or look out of place nor squeezed into an inadequate or inappropriate location and accord with LDF Policy CS13.

## Residential amenity

- 6.18 All dwellings will have sufficient garden areas that will be usable, and it is considered that the degree of shadowing by surrounding trees overall will be acceptable taking into account the nature of the site and the canopies of the trees on and around the site. The proposed gardens will also achieve the minimum recommended sizes set out in the Residential Design Guide (10m depth with 70sq [semi-detached] & 50sq.m [terraced]).
- 6.19 The separation distances to neighbouring residential properties will be acceptable so that both future residents enjoy privacy distances that accord with the standards set out in the Residential Design Guide, 21m between directly opposite properties that back onto one another, or exceed them.
- 6.20 All habitable rooms within the proposed buildings will have access to outlook, daylight and will achieve appropriate ventilation.
- 6.21 Access to each dwelling will also be acceptable. Conditions will be needed to ensure that the route is acceptable for wheelchair and pushchair users; and also, to improve lighting for security purposes. The layout is expected to be in a home zone style where surfaces are shared.
- 6.22 In summary the occupants of the proposed dwellings, and the existing vicarage, will all experience a high-quality living environment typical of family dwellings in suburban settings.
- 6.23 Furthermore, the proposed development will not adversely affect neighbouring properties, being set sufficiently away from the site boundaries. Whilst only indicative floor plans have been provided the two-storey form of development means that visual impact experienced from neighbouring gardens and habitable rooms would be acceptable given the suburban location, separation distance and vegetative boundaries. It is also not anticipated that the neighbours would be harmed as a result of shadowing caused by the proposed dwellings given that there are large mature trees on the boundaries of the site to the south west (properties fronting Brownlow Avenue) and due to the orientation/juxtaposition with adjacent neighbours. A community use agreement would be secured to ensure the community facilities are appropriately managed to prevent adverse noise and disturbance to neighbouring housing.
- 6.24 Therefore, in all respects the proposed development is anticipated as having an acceptable relationship with neighbouring properties/owners. Harm has been avoided by designing the scheme to reflect the dominant pattern of development in the local area. In addition, the quality of the proposed residential environment is considered to be acceptable and the scheme has, therefore, been assessed as compliant with LPR Policy SDP1(i).
- 6.25 There is also merit to the development in terms of the safety and security of the vicarage with increased natural surveillance and the proposal includes natural surveillance over the proposed public areas of the development.

## Parking highways and transport

- 6.26 The site is within a medium accessibility area with residents' day-to-day needs capable of being reached by foot and bicycle. Access to Bitterne District Centre is achievable by foot and bicycle and Southampton City Centre is available by public transport.
- 6.27 Access to the proposed development by vehicles will be via a reconfigured site entrance from Whites Road. Pedestrian access will also be achieved Whites Road as well as from the existing route through the site from Bursledon Road which will become a pedestrian route only. Pedestrians would also be able to access the footpath through the adjacent church graveyard.
- 6.28 Sightlines will need to be secured by planning condition and site-specific highways works are anticipated. A construction management plan will also be required to ensure that there is suitable space on site for construction related vehicles and to prevent deliveries at peak traffic times.
- 6.29 Parking will be provided on the basis of 2 car parking spaces per dwelling which, critically, does not exceed the Council's maximum standards. Secure cycle parking can be accommodated in rear gardens. This provision meets the requirements of the Southampton Parking Standards.
- 6.30 28 car parking spaces are proposed for use by the church. In high accessibility areas the parking standards SPD allows 1 car parking space for each 5 fixed seats in addition to 1 parking space for each 20 sq.m of open hall. Officers note that the church is in a high accessibility area however the application site is outside. The existing main church has pews with a max capacity of 360 persons which would allow up 72 parking spaces. If the pews are not fixed 20 additional car parking spaces would be allowed on the basis of an open hall floor area of 385sq.m (321sqm sq.m in the main hall and 64sq.m granted under application 19/00123/FUL). Therefore, in total 92 car parking spaces could be allowed on site.
- 6.31 The proposed scheme provides 28 spaces for the Church, which is broadly similar to the existing; it is appreciated that the existing parking layout is somewhat informal and therefore is difficult to accurately quantify and falls well below the maximum car parking allowance when considering the maximum capacity. Proposals don't need to achieve the maximum level permitted by policy in order to be supported. Therefore, based on the parking provision proposed the scheme is policy compliant and again it is important to consider the location which can be reached by public transport and is likely to be within walking distance of a significant portion of church members.
- 6.32 No objection to the scheme has been received from the highways development management team following amended plans to improve the access for refuse vehicles. Refuse and cycle storage, as well as parking on site, can also be successfully achieved and secured by condition and at the reserved matters stage.

### Loss of open space

- 6.33 In the centre of the site is a former bowling green (now disused) and a tarmac ballcourt; both of these are owned by the church.
- 6.34 The former bowling green is located behind the Parish Hall. This was in regular use until 2016 when the club folded, and existing/remaining members choose to join alternative clubs nearby (Vospers in Hamble); the green and pavilion building have not been in use since. The green is not large enough to be used for competition; in addition, the green is increasingly compromised by tree roots resulting in an uneven surface.
- 6.35 The bowling club had enjoyed many years of use of the land, owned by the church, at a 'peppercorn' rent and discussions had started between the church and club to both formalise the agreement, and to agree more realistic rates. However, the club themselves took the decision to close before this discussion had been concluded.
- 6.36 With the closure of the bowling club, there is no longer demand for the bowling green and so the scheme does not propose to replace the bowling green.
- 6.37 Adjacent to the green is a tarmac ball court enclosed by a chain-link fence which is also within the ownership and use of the church. Although informal use of the ball court has occurred in the past it has not formally been permitted for use by the general public rather it has only formally been used for church-based activities, albeit ones with a community focus (such as a youth club).
- 6.38 The proposal seeks to redevelop the existing ball court and turn it into a car park for the church. A ball court will then be re-provided adjacent to the car park. The area of the proposed ball court would however represent a 16% reduction in floor area (from 997sqm to 840sq.m).
- 6.39 The loss of the bowling green and 16% reduction of ball court represents a departure from the development plan (CS21) and NPPF paragraph 97, which seek to ensure no net loss of space.
- 6.40 In line with the Government's NPPF (including Section 8); and PPG (Health and wellbeing section), consideration should also be given to how the new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities.
- 6.41 To mitigate the impact of the overall loss of open space the proposal would improve the quality of the available open space on the site; and would also ensure that the church manage the open space so that wider community groups are able to able gain access. The space will therefore be able to be used more frequently and by greater numbers of people than the existing bowling green and ball court. A legal agreement associated with the planning application will be used to manage the 'community use agreement' and a planning condition will be added to ensure that the ball court is re-provided on site prior to the occupation of the flats and retained on site throughout the lifetime of the development.
- 6.42 The loss of the open space on site is considered to be outweighed by the positive aspects of the proposal.

## Air Quality and the Green Charter

- 6.43 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.
- 6.44 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.
- 6.45 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m<sup>3</sup>. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:
- Reduce pollution and waste;
  - Minimise the impact of climate change
  - Reduce health inequalities and;
  - Create a more sustainable approach to economic growth
- 6.46 The application has/will address the effect of the development on air quality and the requirements of the Green Charter by achieving compliance with the Councils adopted climate change mitigation policy CS20 (Tackling and Adapting to Climate Change) by ensuring that the dwellings achieve improved energy and water efficiencies. The scheme will also have to incorporated sustainable urban drainage systems to combat potential flooding. The proposal also works with the trees on site and where tree felling is necessary the legal agreement will require two for one replacement planting.

## Trees and Ecology

- 6.47 20 trees in total will need to be felled to facilitate the development. 10 of these are due to building constraints and another 10 are due to their poor condition. Of these 20 trees, 8 are covered by tree preservation orders and only one of these (T094) is due to building constraints. The other seven are either in poor condition, dead or a stump. Any TPO'd tree will need local authority permission before they can be felled. TPO'd trees that will be retained will need to be protected during construction works. Appropriate conditions will be needed as recommended by the Council's Tree Team and lost trees will need to be replaced on a two for one basis. Replacement trees may need to be located offsite and as such would be controlled by legal agreement.

- 6.48 The proposed tree loss is considered to be outweighed by the positive aspects of the proposal.
- 6.49 The Council's Ecologist is not satisfied with the proposed ecological mitigation measures with particular regard to slow worm habitat loss mitigation. The Council's Ecologist is, however, satisfied that there are alternative options available to ensure that the impact of the development can be appropriately mitigated. Conditions have been recommended and will be included if the scheme is supported.

#### Mitigation of direct local impacts

- 6.50 As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide-ranging impacts associated with a development of this scale, an extensive package of contributions and obligations would be required as part of the application if the application were to be approved. The main area of contribution for this development, in order to mitigate against its wider impact, is for highway works and these works will be secured via a Section 106 legal agreement. These works will be improvements to pedestrian and cycle facilities within the vicinity.
- 6.51 A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. In terms of the 15 dwellings there is an expectation that 6 flats (35%) will be provided on site.
- 6.52 Policy CS15 suggests that *'the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model)*. The applicants have submitted a detailed viability appraisal of their scheme, which includes no affordable housing. This is a weakness of the scheme but has been assessed and verified by an independent adviser to the Council; in this case the District Valuation Service (DVS). A copy of their report is appended to this report at **Appendix 4**.
- 6.53 The assessment provided by DVS on the viability on the proposed scheme including the provision of nil Affordable Housing identifies that the scheme is showing a deficit of **£234,359** which converts to a reduced profit of **£582,891 (approximate 12%)** which is significantly below the stated profit mark of **17.5% (£817,250)** used by DVS and the NPPF.
- 6.54 Given the deficits involved it would be right to question why the scheme is coming forward at the current time. Clearly, this is a matter for the applicant and as the scheme is at outline stage it will be some time yet before the full development potential will be realised on the ground, by which time circumstances may change and affordable housing becomes viable. The s.106 clauses will build in review mechanisms in line with our normal practices; if the development has not completed by the deadline of February 2022 an additional viability would therefore be required.
- 6.55 Whilst failing to secure Affordable Housing is a weakness of the application proposal, the adopted Development Plan allows for viability to be considered

when determining the level of affordable housing. The proposal also brings other benefits to the city including the delivery of homes, ten of which are family units, regeneration of this site and improved community facilities. As such, and in light of the advice from the DVS, it is recommended that the development be supported on the basis of the current viability position which does not support Affordable Housing. Alternatively, the Panel may decide that it would be better to wait for the economic conditions to improve and seek affordable housing to meet our significant need when a fully policy compliant viable scheme is achievable. Clearly the risk with this approach is that the site may remain vacant. A refusal on this basis could also result in an appeal where the Council would need to justify its reasons in light of the DVS findings.

6.56 The scheme also triggers the need for Community Infrastructure Levy (CIL).

#### Likely effect on designated habitats

6.57 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 The scheme represents a departure from the development plan on the basis of the loss of open space. The scheme also results in the loss of 20 trees, 8 of which are protected by Tree Preservation Orders and further ecological mitigation measures are needed to ensure that significant harm to slow worms on site does not occur. These negative aspects of the scheme need to be judged against the positive which include housing delivery, family homes, improved surveillance and improved public access to sporting facilities. In other respects, the proposal strikes a balance between the delivery of housing (including 10 houses capable of accommodating families) protection of the amenities of nearby residents, parking requirements of the Church and a layout which does not compromise highways safety.

7.2 Having taken all material planning considerations into account, as listed in the above report, on balance the scheme is considered to be acceptable.

## **8 Conclusion**

8.1 It is recommended that outline 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)

**MP for 22/06/2021 PROW Panel**

### **PLANNING CONDITIONS**

#### 1. 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 and the means of access (vehicular and pedestrian) into the site and the buildings is approved subject to the following:

(i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:

- the appearance and architectural design specifying the external materials to be used;
- the scale of the buildings indicating massing and building bulk and;
- the landscaping of the site specifying both the hard, soft treatments and means of enclosures including ongoing maintenance

(ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission

(iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

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

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

Notwithstanding the information shown as part of the submission, 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 (The enlargement, improvement or other alteration of a dwelling house)

Class AA (enlargement of a dwelling house by construction of additional storeys)

Class B (additions etc to the roof of a dwelling house)

Class D (porches),

Class E (buildings etc incidental to the enjoyment of a dwelling house)

Class F (hard surfaces incidental to the enjoyment of a dwelling house)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site which is significantly constrained by protected trees; 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. Landscaping, lighting & 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. means of enclosure/boundary treatment,
- ii. car parking layouts,
- iii. vehicle pedestrian access and circulations areas,
- iv. hard surfacing materials,
- v. structures and ancillary objects (refuse bins, lighting columns etc.),
- vi. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate; and tree pit design.
- vii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance),
- viii. a landscape management scheme; and
- ix. measures to prevent unmanaged parking within root protection areas.

The approved hard and soft landscaping scheme (including parking) 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.

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.

Within root protection zones there must be a no dig solution to physical structures including road formation and kerb formation. Measures shall also be included in the landscaping plan to demonstrate how informal parking on roof protection areas will be prevented.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

#### 6. 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. 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 (taking account of plan 321 55 rev C 'tree protection plan' April 2020).
2. Specification for the installation of any additional root protection measures.
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots.
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

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

#### 7. 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.

#### 8. Retention of trees (Performance Condition)

For the duration of works on the site no trees on the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason: To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

#### 9. Replacement trees (Pre-commencement)

Any trees to be felled pursuant to this decision notice will be replaced with species of trees first 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; details of species, size, location, pit design and management shall be included within the submission. Preferred locations will be adjacent to Whites Road and Bursledon Road to cover the loss in these areas. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment, to mitigate loss of trees necessary to facilitate the development and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

#### 10. Demolition/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 Demolition & 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) method of demolition required in order to prevent damaged to protected trees. 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, highway safety and protected trees.

### 11 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.

### 12. 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.

### 13. 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.

### 14. Unsuspected Contamination (Performance)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks

presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

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

#### 15. Energy & Water (Pre-Commencement)

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 (January 2010).

#### 16. Energy & Water (performance condition)

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

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

#### 17. Sustainable Drainage (Pre-Commencement Condition)

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To seek suitable information on Sustainable Urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

18. Archaeological watching brief investigation [Pre-Commencement Condition]

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

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

19. 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.

20. 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, in consultation with Southern Water. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

21. Sightlines specification (Performance)

Sight lines, measuring 2m by 2m from the back edge of the footway shall be provided for both vehicular access proposed (Whites Road and Bursledon Road) before the occupation of any building hereby approved commences and, 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 within the sight line splays

Reason: To ensure that vehicle drivers have sufficient sightlines out over the public highway and into the site in the interests of safety.

22. Residential Parking (Pre-Occupation)

The parking spaces for the dwellings; and access, to them shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained solely for the use of the occupants and their visitors; and for no other purposes other than indicated on the approved plans. At no time shall visitor spaces be allocated to residential properties and at no time shall any of the residential properties be allocated more than 2 car parking spaces each.

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

23. Church Parking (Pre-Occupation)

The parking spaces for the church; and access to them, shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained solely for the use of the church and its visitors; and for no other purposes other than indicated on the approved plans unless otherwise agreed in writing by the local planning authority.

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

24. Delineation of car parking spaces, (Performance condition)

In the demarcation of the car parking spaces hereby approved shall be formed by block paving of a different colour/tone to the main block paving material used for the hard-surfacing areas of the site and as show on the approved plans.

Reason: In the interests of the visual amenity of the development and in order to achieve a high-quality finish.

25. Servicing vehicle turning area [Performance Condition]

The turning area for servicing vehicles as indicated by the approved plans (Refuse vehicle tracking plan, 32129 dwg no.53, Oct 2019, received 08/06/2021 & Site plan as proposed, 32129 dwg no. 32 revision CC Jan 2016, received 08/06/2021) shall be kept available at all time for the manoeuvring of servicing vehicles and shall therefore remain unobstructed by solid boundary treatment, landscaping features, signage, furniture or any other physical features in perpetuity once the development hereby approved is occupied.

Reason: In the interests of highways safety.

26. On site signage (Pre-Occupation Condition)

Prior to the occupation of the development hereby approved details of on-site signage (including position and design) shall be submitted to and approved in writing by the local planning authority. The signage will need to identify the following in accordance with the approved plans:

- o the allocation of parking spaces.
  - o that the access road and 'turning area' shall not be used for parking purposes.
- Once approved the signage shall be erected on site in accordance with the approved plans and retained whilst the development is occupied for residential purposes.

Reason: To ensure that residents and visitors to the site are aware of parking restrictions in the interests of visual amenity and highway safety.

27. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, 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 development is 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.

28. Cycle storage facilities (Pre-Commencement Condition)

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. The storage shall be thereafter retained as approved.

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

29. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit an updated programme of habitat and species mitigation and enhancement measures which should cover the impacts identified in the Ecological Appraisal March 2017 as well as the Phase 2 Bat and Reptile Report, October 2019; and 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; and in particular because residential gardens are not suitable locations for slow worm mitigation as they will not remain in control of the church and as such cannot be secured in perpetuity.

### 30. 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

### 31. 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.

### 32. Road Construction (Pre-Commencement)

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:

1. A specification of the type of construction proposed for the highway including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
2. A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.
3. Should the developer not enter into a Section 38 Agreement there will be a requirement to provide details of a Management plan which will maintain these areas in the future, and a bond will be required to support this process.
4. The construction of the highway shall use no dig methods within the root protection areas of trees onsite.

The development shall be carried out in accordance with the approved specification prior to the occupation of the development hereby approved.

Reason: To ensure that the highway is constructed in accordance with standards required by the Highway Authority.

### 33. Amenity Space Access (Pre-Occupation)

Before the development hereby approved first comes into occupation, the private external amenity spaces shall be made available for use in accordance with the plans hereby approved. The amenity spaces shall thereafter be retained for the use of the occupiers of the dwellings and shall not be further subdivided without further grant of planning permission.

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

### 34. Ball Court/MUGA Details.

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing a specification for the design of the ball court/Multi Use Games Area (MUGA) hereby approved, including materials, means of enclosure, surface treatment, sports facilities/infrastructure, pitch marking and maintenance details. The Ball Court/MUGA shall be erected on site in accordance with approved details and retained throughout the lifetime of the development in accordance with approved details unless planning permission

is granted for the Ball Court/MUGA to be used for another purpose. The Ball Court/MUGA shall also be available to use by the public in accordance with the community use agreement as secured by Section 106 legal agreement which accompanies this decision.

Reason: To mitigate the net loss of open space.

### 35. 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.