



## DETERMINATION OF APPLICATION

### TOWN AND COUNTRY PLANNING ACT 1990

#### Town & Country Planning (Development Management Procedure) (England) Order 2015

Balfour Beatty Living Places  
Mr Tom Horrell  
City Depot & Recycling Park  
First Avenue  
Southampton  
SO15 0LJ

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

#### FULL APPLICATION - CONDITIONAL APPROVAL

**Proposal:** Widening of the path known as 'Lovers Walk' that runs north to south on the eastern side of Southampton Common between Burgess Road and Westwood Road.

**Site Address:** Southampton Common , The Avenue, Southampton Southampton

**Application No:** 20/00255/FUL

Subject to the following conditions:

**1.Full Permission Timing Condition (Performance condition)**

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

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

**2.Approved Plans (Performance condition)**

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

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

**3.Cycle Speed Calming Measures (Pre-operation condition)**

Prior to the use of the hereby approved development final design details of the cycle speed calming measures shall be submitted to and agreed in writing with the Local Planning Authority and any subsequent design changes to any of the approved traffic calming measures shall first be agreed (by further condition discharge). The development shall be implemented as agreed and thereafter retained as approved.

Reason: In the interests of the users of the route, highways safety and visual amenity.

**4. Shared Path Construction (Pre-Commencement condition)**

Prior to the commencement of the development hereby approved, the following details shall be submitted to and approved in writing by the Local Planning Authority:



[southampton.gov.uk](https://www.southampton.gov.uk)



1. A specification of the type of construction proposed for the shared path including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with the method of disposing of surface water.

2. A programme for the making up of the shared path to a standard suitable for adoption by the Highway Authority.

3. Details of a management process which will maintain these areas in the future.

The shared path shall be completed in accordance with the agreed details before the development first comes into use and thereafter retained as approved for the lifetime of the development.

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

5. Hours of work for Demolition / Clearance / Construction (Performance condition)

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

6. Construction Management Plan (Pre-Commencement condition)

Before any development works are commenced, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include details of:

(a) parking of vehicles of site personnel, operatives and visitors;

(b) loading and unloading of plant and materials;

(c) details of temporary lighting

(d) storage of plant and materials, including tarmacadam mixing and washings, used in constructing the development;

(e) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;

(f) measures to be used for the suppression of dust and dirt throughout the course of construction;

(g) details of construction vehicles wheel cleaning; and,

(h) details of how noise emanating from the site during construction will be mitigated.

(i) Schedule of onsite supervision/inspection with/by Council Tree and Ecology Officers.

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, and the character of the area, highway safety, biodiversity and trees.

7. Removal of Reductant Concrete (Pre-operation condition)

Prior to the upgraded Lover's Walk route hereby approved first coming into use, the 157m of public highway, to be converted to common land, will be completed including soft landscaping to the specification approved by the below landscaping condition.

Reason: To secure part of the necessary ecological mitigation measures.

8. Foundation Construction (Pre-operation condition)

Notwithstanding the no dig intended approach to the construction proposed if practical to do so, due to site levels and distance from protected trees, no mechanical machinery shall be used in the excavation of foundations at any time. Any excavation of foundations will need to be carried out by hand and shall first be agreed in writing by the Local Planning Authority.

REASON: In the interests of the health and protection of protected trees along the site and in the interests of the character of the Lovers Walk and the wider Common setting.

9. Ecological Mitigation Statement (Pre-commencement condition)

Prior to development commencing including site clearance; and notwithstanding the specific location of the mitigation measures which must first be agreed in writing by the Local

Planning Authority, the developer shall implement the programme of habitat and species mitigation, compensation and enhancement measures as set out in:

1. Lovers Walk, The Avenue, Southampton Common, Southampton. Ecological Method Statement, ECOSA Ltd Final Document 16th August 2018; and
2. Lovers Walk Cyclepath Upgrade, Southampton Common, Southampton. Ecological Compensation and Management Plan, Final Document (Revision 3) May 2021.

The agreed programme of habitat and species mitigation, compensation and enhancement measures shall accordingly be continued for a minimum period of 10 years.

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

#### 10. Protection of Nesting Birds (Performance condition)

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been first submitted to and 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.

#### 11. 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
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. A method statement showing any trees lost or impacted; the extent of any pruning necessary to facilitate the build and any replanting (with location species, and stock type/size) and any special engineering or protection required.
8. 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.

#### 12. Protection of Trees and Green Space (Performance condition)

Work vehicles will not be driven or parked on any part of the root protection zone or green space without prior written permission from the Council.

Reason: To ensure green space is protected and not damaged through compaction by vehicular access

#### 13. 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 (tree protection plan) and agreed with the Local Planning Authority in writing before any site works commence in line with BS5837:2012 trees

in relation to design, demolition and construction. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

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

#### 14. No Storage Under Tree Canopy (Performance Condition)

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.

#### 15. 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.

#### 16. 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.

The fencing of the boating lake will not be included as part of the mitigation measures required to offset the impact of the development.

#### 17. Landscaping Detailed Plan - Verges and Bunds (Pre-Commencement (condition))

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme, including plans, and implementation timetable detailing how the verges and bunds adjacent to the path will be treated shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours with a section showing existing and proposed spot heights and the proposed build up on typical edges along the route (Above Ordnance Datum - AOD);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate.
- iii. a landscape management scheme.

The approved landscaping scheme for the whole site shall be carried out prior to the first use of the shared path, or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a

positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

**18.Width Maintenance (Performance condition)**

The path shall be inspected on a regular basis and the full width shall be maintained at a frequency to first be agreed in writing by the Local Planning Authority prior to the first use of the shared path. Once agreed the details shall be complied with throughout the lifetime of the development.

Reason: To maintain the full width of the path (preventing vegetation growth over the edges).

**19. No Lighting (Performance condition)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2021 as amended or any Order amending, revoking or re-enacting that Order, at no time shall lighting of any type be added without separate planning permission. No lighting infrastructure shall be added as part of this scheme.

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

**Reason for granting planning permission**

The development is acceptable considering the policies and proposals of the Development Plan as set out within the Officers Report. 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 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 the National Planning Policy Framework (2021).

**Additional Note:** Should you require new addresses to be created for your development you are advised to use the following link at the appropriate time:

**<http://www.southampton.gov.uk/planning/planning-permission/getting-street-names-numbers.aspx>**



**Paul Barton**  
**Interim Service Lead- Planning & Economic Development**

18 February 2022

If you have any further enquiries please contact:

**Mathew Pidgeon**

**Plans and information considered**

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings:

<b>Drawing No:</b>	<b>Version:</b>	<b>Description:</b>	<b>Date Received:</b>	<b>Status:</b>
Additional information updated		General Plan	23.12.2021	Approved
15/AL/M/010/050	Rev A	Location Plan	12.11.2021	Approved
Updates to section 2.6	Version 4	Design and Access Statement	12.11.2021	Approved
ECOLOGICAL COMPENSATION AND MANAGEMENT	3331.F3 Rev 3	Ecology report	12.11.2021	Approved
ECOLOGICAL IMPACT ASSESSMENT	1747.F2 Rev 3	Ecology report	12.11.2021	Approved
15/AL/M/010/001	2 of 2, Rev F	General Plan	12.11.2021	Approved
15/AL/M/010/001	1 of 2, Rev F	General Plan	12.11.2021	Approved
15/AL/M/010/108	Arb work sheet 1	Arboricultural report	27.03.2020	Approved
15/AL/M/010/108	Arb work sheet 2	Arboricultural report	27.03.2020	Approved
Method Statement	HSES-TF-0	General Plan	12.11.2021	Approved
Ecological Method Statement	1747.F0 Rev 3	Ecology report	12.11.2021	Approved
Indicative Cross-Section	15/AL/M/010/002	General Plan	28.01.2022	Approved

**NOTES**

1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals must be made using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or do it online at <https://acp.planninginspectorate.gov.uk/>
4. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
5. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
8. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
9. Your attention is drawn to the conditions this consent is subject to:

Pre-commencement conditions require the full terms of the condition to be approved by the Local Planning Authority before any development starts. In order to discharge these conditions a formal application is required by the applicant and a time period of at least 8 weeks should be allowed for a decision to be made. If the conditions are not met, the Local Planning Authority has the power to take enforcement action.

10. The applicant is recommended to retain this form with the title deeds of the property.

Please address any correspondence in connection with this form quoting the application number to: **Development Management, Southampton City Council, Lower Ground Floor, Civic Centre, Southampton, SO14 7LY.**