



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2010

Arup
Miss Clare Healy
13 Fitzroy Street
London
W1T 4BQ

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

FULL APPLICATION - REFUSAL

Proposal: Engineering works comprising the infilling of the former boating lake with associated works and means of enclosure

Site Address: Boating Lake Southampton Sports Centre Thornhill Road
Southampton

Application No: 13/00556/FUL

For the following reason(s):

01.REFUSAL REASON - Amenity & Design

The proposed infilling of the former boating lake with spoil from a neighbouring development to create a wild meadow is considered to remove the potential for active sporting recreation from the sports centre to the detriment of the amenity of its users, whilst also failing to improve the sporting, leisure, spectator and visitor facilities provided. Furthermore, in the absence of a firm commitment to provide a robust ongoing maintenance programme it has not been proven to the satisfaction of the Local Planning Authority that the proposed meadow will establish as proposed. As such, the development has been considered as contrary to 'saved' policies SDP1(i) and CLT8 of the adopted City of Southampton Local Plan Review (2006).

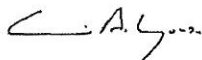
02.REFUSAL REASON - Ecology

It is considered likely that the former boating lake provided habitat for various amphibians, including the common toad, *Bufo bufo*, smooth newt, *Lissotriton vulgaris*, and palmate newt, *Lissotriton helveticus*. Although common toad only has limited statutory protection it is included on the list of habitats and species which are of principal importance for the conservation of biodiversity in England. This list, which is required by section 41 of the Natural Environment and Rural Communities (NERC) Act (2006), contains habitats and species that public bodies must have regard to the conservation of when carrying out their normal functions. Such functions include the consideration of planning applications. The proposed in-filled boating lake no longer provides any suitable breeding habitat for amphibians, such as the common toad and an acceptable design solution has not been submitted for consideration ahead of the determination of this planning application. Furthermore, any works also need to consider the proximity of existing Sites of Importance

for Nature Conservation (SINC) and the areas under nature conservation and the Higher Level Stewardship management. The proposed planting to create the meadow doesn't reflect what is present locally. As such the application is not considered to properly address the site's importance to nature conservation and local biodiversity and is, therefore, contrary to 'saved' Policy SDP12 of the adopted City of Southampton Local Plan Review (2006) and Policy CS22 of the adopted LDF Core Strategy (2010) as supported by the City's Biodiversity Action Plan.

Note to Applicant:

As the spoil has been added to the former boating lake in breach of planning control you are now advised to work with the Council to agree a timescale for its removal with the land returned to its former state.



Chris Lyons
Planning & Development Manager

26 June 2013

For any further enquiries please contact:
Stephen Harrison

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings.

Drawing No:	Version:	Description:	Date Received:	Status:
300-01-05	04	Location Plan	15.04.2013	Refused
300-01-05	01	Proposed Plans	15.04.2013	Refused
400-03-07	01	Sections	15.04.2013	Refused
400-03-06	01	Proposed Plans	15.04.2013	Refused
		Design and Access Statement		Refused

NOTES

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, they may appeal to the Secretary of State for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within the timescales set out below.

1. Appeals can be submitted on line and **must be registered within six months of the date of this notice at www.planning-inspectorate.gov.uk** or by a form available from the Planning Inspectorate, 3/15 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS2 9DJ. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not, however, required to entertain such an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority.
2. If permission to develop land is refused, whether by the Local Planning 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 Local Planning Authority a purchase notice requiring that the Authority purchase their interest in the land in accordance with Part IV of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused 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.
4. 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.
5. The applicant is recommended to retain this form with the title deeds of the property
6. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012)

Please address any correspondence in connection with this form, quoting the application No to: **Development Control Service, Southampton City Council, Civic Centre, SOUTHAMPTON, SO14 7LS**

