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SOUTHAMPTON CITY COUNCIL  
PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 26 JUNE 2012

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Present: Councillors Claisse, Cunio (Vice-Chair, in the Chair), L Harris, Lloyd, Shields, Thomas and Norris

Apologies: Councillors Mrs Blatchford and Smith

20. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

The Panel noted that Councillor Thomas was in attendance as a nominated substitute for Councillor Mrs Blatchford, and Councillor Norris was in attendance as a nominated substitute for Councillor Smith, in accordance with Procedure Rule 4.3.

21. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED** that the Minutes of the Meeting held on 29<sup>th</sup> May 2012 be approved and signed as a correct record.

22. **BANISTER SCHOOL, BANISTER GARDENS SO15 2LX /12/00489/R3CFL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes)

Erection of a new part 2-storey, part 3-storey school building on the existing car park with associated external works including a new vehicular access from Archers Road. (Upon completion of the new building all of the existing buildings with the exception of the reception building will be demolished and the area landscaped to form a car park and playing field. The existing reception building will change to nursery use)

Mr Sands (Agent), Mr Gill (Applicant), Ms Iredale, Ms Waller, Mr Fox, Ms Nash, Mr Price (objecting) (Local Residents) and Councillor Moulton (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that Southern Water, as a consultee, advised that a public water main crossed the site. As a consequence the following additional conditions were added to the recommendation: before any development commences on the site, the developer shall investigate the precise positioning of the public water main and employ such necessary measures during the build to ensure its protection from damage; any detailed soft planting to meet the requirements of condition 25 of this decision notice shall ensure no new planting occurs within 3 metres of the public water main.

The presenting officer also recommended the following amended conditions so that they should read as follows:

## Amended Conditions

### 21. APPROVAL/PERFORMANCE CONDITION - Construction access and routing and pedestrian access

All traffic associated with the construction and demolition works hereby approved shall enter and leave the site via Archers Road and Banister Gardens in accordance with the submitted phasing plan only, and shall be subject to a construction vehicle routing agreement to be submitted to and approved by the local planning authority before the development commences. Once approved, that routing agreement shall be observed throughout the construction period. For the period of construction, pupils/parents/guardians/teachers shall continue to be permitted to enter the site from Banister Gardens, but upon completion of all works under 12/00489/R3CFL, pupils/parents/guardians/teachers shall only enter the site from Archers Road. Banister Gardens shall continue to function as an emergency point of egress from the site and as a means of servicing the school by emergency vehicles.

#### REASON:

In the interests of highway safety and to protect the residential amenities of those living close by.

### 22. PERFORMANCE CONDITION - No Amplified System

There shall be no installation or use of a personal address system or tannoy equipment or other sound amplification machinery for external broadcast outside of the school building at any time unless agreed in writing by the Local Planning Authority for temporary, seasonal, or permanent use.

#### REASON:

To protect the residential amenities of adjacent residents.

### 36. PRE-COMMENCEMENT/PERFORMANCE CONDITION - Refuse enclosure

Before the commencement of development, details shall be submitted to the local planning authority for its approval in writing of a pergola to cover the approved refuse compound. Once approved, that covered refuse compound shall be provided before the school building is first brought into use. The refuse facilities shall provide for the recycling of waste. Once provided, those refuse facilities shall be maintained at all times thereafter.

#### Reason:

In the interests of amenity

The presenting officer also reported that the delegation being sought was subject to the applicant having carried out a Bat emergence survey to demonstrate there were no Bat roosts in any of the trees that needed to be removed. Only when this had been demonstrated, or at such time that any Bats discovered had legally been translocated from the site, would the local planning authority issue a decision notice.

The presenting officer also reported that the Revised Travel Plan should be deleted as a head of term for the undertaking Head of Children's Services and Learning and this should be secured by way of a planning condition (see below).

A sample of 'fritted' glass was shown to Members and it was clarified that for each window opening comprising a top, middle and lower pane of glass, that the 'fritting' would be heaviest for the lower pane, gradating to becoming less 'fritted' for the top pane. Members were advised that if they did not consider this solution to be enough to safeguard the privacy of neighbours, they could require the relevant glazing to be wholly obscured, but heard from the applicant that this would compromise the optimum natural light for teaching in each affected classroom. Members ultimately did not change the wording to condition 13 requiring fritted glass.

**RESOLVED** unanimously that authority be delegated to the Planning and Development Managed to **grant** planning permission subject to

- 1 an undertaking from the Head of Children's Services and Learning to secure the items (i), (ii), (iii), (v) and (vi) listed in the report
- 2 the receipt of a satisfactory bat survey
- 3 the following amended conditions:

#### Amended Conditions

#### 26. APPROVAL CONDITION - Tree Retention and Safeguarding

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. In particular, the tree northern-most Lime trees shown cross-hatched on the attached plan shall be fully safeguarded during the build and thereafter retained/maintained. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

#### REASON:

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

#### 27. APPROVAL CONDITION - No storage under tree canopy

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater. In particular, the tree northern-most Lime trees shown cross-hatched on the attached plan shall be

fully safeguarded during the build with none of the above practices occurring beneath those trees and thereafter retained/maintained.

**REASON:**

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

**28. APPROVAL CONDITION - Arboricultural Method Statement**

Notwithstanding the information submitted to date 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. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

In particular, the tree northern-most Lime trees shown cross-hatched on the attached plan shall be fully safeguarded during the build and thereafter retained/maintained.

**REASON:**

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

Additional Conditions

**38. APPROVAL CONDITION - Horse Chestnut tree closest to Archers Road**

Before the development commences, and notwithstanding the report by Wilmot Dixon received 25.6.2012, the developer shall commission a written report by a qualified arboriculturist to investigate the feasibility of retaining the Horse Chestnut tree closest to Archers Road, shown cross-hatched on the attached plan, as part of the redevelopment proposals, for the consideration of the local planning authority. The report shall investigate the feasibility of non-invasive methods of construction of the stepped access up to the main school entrance and design of the retaining wall shown on the Wilmot Dixon drainage plan so as to bridge over this tree's root system. This

tree shall not be removed without the written consent of the local planning authority following consideration of the report.

Reason:

To fully and properly investigate the retention of this protected tree by a competent professional arboriculturist, having regard to the significant amenity value afforded by this tree, notwithstanding the pressing educational need for further primary school places in Southampton”.

### 39. PRE-OCCUPATION CONDITION - Revised Travel Plan

The existing school travel plan referred to in the Scott White Hookins Transport Assessment shall be fully revised and submitted to the local planning authority for its written approval prior to the new school building first being occupied. Once approved, that revised school travel plan shall be implemented at all times the new school building is in use be updated and reviewed on an annual basis. The City Council’s Travel Plan Officer and at the Head Teacher (or other teacher that may be appointed to that role) from Banister School shall be members of the body that will review the School Travel Plan, A copy of the reviewed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority on an annual basis. The plan shall include provisions to encourage the use of alternative modes of travel to and from the site, together with targets and provisions for monitoring and review. In particular, the facilities proposed for bicycle parking, including shower facilities, lockers and secure bicycle parking shall be fully implemented as part of this permission and retained at all times thereafter.

Reason:

To as far as possible ensure those attending the school arrive and depart from the site by means other than the private car and in particular promote walking to and from the school.

### 23. **WORDSWORTH INFANT SCHOOL, STRATTON ROAD SO15 5RA /12/00490/R3CFL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes)

Erection of a new part 2-storey, part 3-storey school building to upgrade existing facilities with associated external works including a new vehicular access from Victor Street. (Upon completion of the new building the existing school building will be demolished and the area converted to playing fields)

Mr Sands (Agent) and Ms Coreless (objecting) (Local resident) were present and with the consent of the Chair addressed the meeting.

The presenting officer reported that amended plans (plan ref PL11a) had been submitted to show 20 parking spaces (instead of 24) in line with the Council’s adopted maximum standards to satisfy the recommendation. The presenting officer also reported that the Green Travel Plan should be removed from the S106 Unilateral Undertaking and secured with a planning condition instead. The presenting officer also reported the following amended and additional conditions so that they should read as follows:

### Amended Conditions

#### 4. APPROVAL CONDITION - Operation restriction

The primary school premises hereby approved shall be operated on a “dual use” basis in accordance with further details that shall be agreed in writing with the Local Planning Authority. These details shall include the proposed hours of use, the on-site management of the community uses and a pricing policy (if applicable). The site shall be closed and vacated of all persons enrolled on educational courses or accessing the building through the community use agreement between the hours of 22:00 (10pm) and 07:30 (7:30am) on a daily basis.

#### REASON:

To safeguard the amenities of occupiers of adjoining residential properties.

#### 9. APPROVAL CONDITION - No Amplified System

There shall be no installation or use of a personal address system or tannoy equipment or other sound amplification machinery for external broadcast outside of the primary school building at any time unless agreed in writing by the Local Planning Authority for temporary, seasonal, or permanent use.

#### REASON:

To protect the residential amenities of adjacent residents.

#### 10. APPROVAL/PERFORMANCE CONDITION - BREEAM Standards

Written documentary evidence demonstrating that the development has been designed to achieve at minimum a rating of 'very good' against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. Six months after first occupation, evidence in the form of a post construction certificate as issued by a qualified BREEAM certification body shall be submitted to the local planning authority.

#### 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).

#### 27. APPROVAL CONDITION – Secured By Design

The applicant shall submit further details of how the proposed school and its site has been designed to achieve a “Secured By Design” accreditation prior to the commencement of development. The development shall be carried out in accordance with the agreed details.

#### REASON:

In the interests of crime reduction and customer/staff safety.

### Additional Condition

30 – Green Travel Plan

The applicant shall submit a Travel Plan for approval in writing by the Council and will not allow the new school premises to be occupied until the Travel Plan has been approved in writing by the Local Planning Authority. The Travel Plan will be aimed at reducing the reliance on the use of the private car by staff, and parents of children attending the School, and shall encourage positively the use of alternative means of transport which have less of an adverse impact on the environment. The Travel Plan shall also include:

- the means whereby the objectives of the Travel Plan are to be promoted and encouraged;
- the means whereby the effectiveness of the Travel Plan can be monitored and recorded;
- aspirational targets for a modal split as between those using the private car and those using alternative modes of transport;
- the means whereby the achievement of the aspirational targets of the Travel Plan can be reviewed and (if necessary) the objectives updated; and
- measures to engage parents in a contract for reducing the need to drop off and collect by car

The primary school shall be operated only in accordance with the agreed terms of the Travel Plan unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

To reduce and discourage the need to travel by car whilst reducing any nuisance caused by vehicles looking to park adjacent to the site at drop-off and collection times.

**RESOLVED** unanimously that authority be delegated to the Planning and Development Manager to **grant** planning permission subject to receipt of an undertaking from the Head of Children's Services and Learning to secure the items (i), (ii), (iii), (v) and (vi) set out in the report and subject to the following amended condition:

**6. APPROVAL CONDITION - Access and Parking**

The application site shall at all times (both during and after the construction phase) provide facilities for the loading/unloading/circulation of vehicles and for the parking of a maximum of 24 cars to serve the school (to include a minimum of 1 disabled space). The car parking shall thereafter be retained for use in association with the educational buildings and their "dual use" hereby approved.

**REASON:**

to prevent obstruction to traffic in neighbouring roads, to ensure provision of vehicular access, car parking and servicing, to avoid congestion in the adjoining area and to protect the amenities of the area, in the interests of highway safety.

**24. 6 DENBIGH GARDENS SO16 7PH /12/00684/FUL**

Report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes)

Change of Use From A C3 Dwelling To A House In Multiple Occupation (HMO, Class C4)

Mrs Wawman (objecting) (East Bassett Residents Association) and Cllr B Harris (objecting) (Ward Councillor) were present and with the consent of the Chair addressed the meeting.

**RESOLVED** that this item be deferred to the next meeting in order that further clarification could be sought on whether or not local properties were HMOs.

25. **30 GLEN EYRE DRIVE /12/00677/FUL**

Report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes)

Change Of Use From Residential (Class C3) To A 5-Bed House In Multiple Occupation (HMO, Class C4). No External Change.

Mrs Wawman (objecting) (East Bassett Residents Association) and Councillor B Harris (objecting) (Ward Councillor) were present and with the consent of the Chair addressed the meeting.

The presenting officer requested that additional conditions be included to include the retention of the existing front boundary treatment, to remove the permitted development for Class A, B, E and F (hardstandings) of Part 1, Schedule 2 and to give details of refuse storage.

**RESOLVED** that planning permission be **refused** for the following reasons.

RECORDED VOTE

FOR: Councillor Claisse, Cunio, L Harris, Lloyd and Norris

AGAINST: Councillor Thomas and Shields

**Reason for Refusal - Unacceptable Intensification of Use**

The intensification of the use of the property and activity associated with it would be out of character with the local area and detrimental to the amenities of nearby residents. The proposal would also result in the loss of a family dwelling for which there is a proven demand. The proposals are therefore contrary to saved policy H4 of the City of Southampton Local Plan Review 1996 and Policy CS16 of the Core Strategy 2010.

26. **21-22 HANOVER BUILDINGS /12/00166/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes)

Redevelopment of the site. Demolition of the existing building and erection of a 5-storey building to provide commercial use on the ground floor (Class A1 or A2 or A3) with 16 flats above (8 x one bedroom, 5 x two bedroom and 3 x three bedroom) with associated cycle parking.



The presenting officer reported that an additional S106 Head of Term be included as follows:

(ix) A financial contribution to the improvement of the setting of the historic Town Walls in accordance with CS14 and CS25 of the Core Strategy 2010.

The presenting officer reported the following amended condition so that it should read as follows:

**20 APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]**

Before the ground floor commercial units are first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for commercial purposes. With the exception of collection days, no refuse or recycling shall be stored externally to the building.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

**RESOLVED** unanimously that authority be delegated to the Planning and Development Manager to **grant** planning permission subject to criteria listed in the report and subject to the following additional condition:

**24 APPROVAL CONDITION – Green Roofs [pre-commencement condition]**

Prior to the commencement of the development hereby approved a feasibility study shall be submitted to the Local Planning Authority for approval detailing how green roofs can be incorporated into the development prior to its occupation. The measures shall be implemented as approved prior to the occupation of the development.

Reason:

To reduce the overall energy demand to achieve a sustainable form of development.

**27. 28 - 30 ALMA ROAD, SO14 6UP /12/00339/OUT**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes)

Re-development of the site, demolition of existing buildings and erection of a two-storey building with accommodation in roof, containing ten flats with associated car parking, refuse and cycle store (outline application seeking approval for access, appearance, layout and scale).

The Panel were reminded that under page 14 of the last meeting minutes, it had refused this application, but that through error an additional reason for refusal had been omitted relating to failure to enter into a planning legal agreement and authority was not sought to add an additional reason for refusal.

**RESOLVED** unanimously that the reasons for refusal be updated to include the additional reason for refusal relating to failure to enter into a Section 106 Agreement as set out in the report.

28. **MOORLANDS PRIMARY SCHOOL, KESTEVEN WAY SO18 5RJ /12/00488/R3CFL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes)

Erection of a single-storey extension to provide 6 classrooms, a small hall and associated facilities; new vehicular and pedestrian entrance from Townhill Way and new car park.

Mr Sands (Agent) was present and with the consent of the Chair, addressed the meeting.

The presenting officer recommended an amended Reason for Granting Deemed Planning Permission to read as follows:

The development is acceptable taking into account that the proposal is a departure from Local Plan and Core Strategy policies (Policy CLT3 & Policy CS21) due to the loss of open space policies but noting that no objection has been received from Sport England. Following an assessment of the above, relevant policies set out below and other adopted guidance referred to in the report to the Planning and Rights of Way Panel 26 June 2012. Other material considerations do not have sufficient weight to justify a refusal of the application. Where appropriate planning conditions have been imposed to mitigate any harm identified. Overall, the exceptional educational need and positive regenerative opportunities associated with the development and its 'proposed dual use' are considered to outweigh the dis-benefits, particularly the loss of mature trees and building on part of a grassed playing area. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Deemed Planning Permission should therefore be granted having account of the National Planning Policy Framework and the following local planning policies:

Local Plan Review (2006) Policies

SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, NE4, HE6, CLT3, TI2

LDF Core Strategy (2010) Policies

CS6, CS11, CS13, CS18, CS19, CS20, CS21, CS22, CS25

The presenting officer also reported that paragraph 5.3 of the report should be deleted and that the Revised Travel Plan (iv) should be removed from the Undertaking and secured with a planning condition instead. The presenting officer also reported that

Condition 16 in the report should be deleted. The presenting officer reported the following additional and amended conditions so that they should read as follows:

#### Additional Condition

#### 30 PRE-OCCUPATION CONDITION – GREEN TRAVEL PLAN

The applicant shall submit a Travel Plan for approval in writing by the Council and will not allow the new school premises to be occupied until the Travel Plan has been approved in writing by the Local Planning Authority. The Travel Plan will be aimed at reducing the reliance on the use of the private car by staff, and parents of children attending the School, and shall encourage positively the use of alternative means of transport which have less of an adverse impact on the environment. The Travel Plan shall also include:

- the means whereby the objectives of the Travel Plan are to be promoted and encouraged;
- the means whereby the effectiveness of the Travel Plan can be monitored and recorded;
- aspirational targets for a modal split as between those using the private car and those using alternative modes of transport;
- the means whereby the achievement of the aspirational targets of the Travel Plan can be reviewed and (if necessary) the objectives updated; and
- measures to engage parents in a contract for reducing the need to drop off and collect by car.

The primary school shall be operated only in accordance with the agreed terms of the Travel Plan unless otherwise agreed in writing by the Local Planning Authority.

#### REASON:

To reduce and discourage the need to travel by car whilst reducing any nuisance caused by vehicles looking to park adjacent to the site at drop-off and collection times.

The presenting officer reported the following amended condition so that it should read as follows:

#### Amended Condition

#### 29 APPROVAL CONDITION - CCTV system [pre-commencement condition]

Before the first occupation of the development details of a scheme for a CCTV system to cover the key areas of the site including all public entry points, servicing spur, car parks shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be fully installed and operational prior to the approved use first commencing and shall be maintained in working order and operated at all times when the premises is open. Unless otherwise agreed in writing with the Local Planning Authority recorded images shall be held for a 1 month period after being made on a daily basis for use by the Police as required.

#### REASON:

In the interests of crime reduction and customer/staff safety.

**RESOLVED** unanimously that authority be delegated to the Planning and Development Manager to **grant** deemed planning permission subject to the receipt of an undertaking from the Head of Children's Services and Learning to secure items (i), (ii), (iii), (v) and (vi) set out in the report and to the amended and additional conditions as referred to above.